

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)
)
)
Plaintiff,)
)
) CR15-00707-PHX-SRB
vs.) Phoenix, Arizona
) March 1, 2016
Abdul Malik Abdul Kareem,)
)
)
Defendant.)
)
)

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS
TESTIMONY: IVAN KOHLMANN - PART 1
JURY TRIAL - DAY #9
(Pages 1 through 171, Inclusive.)

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E X C E R P T O F P R O C E E D I N G S

2

THE CLERK: Please state your name for the record and
spell your first and last name.

4

THE WITNESS: My name is Evan F. Kohlmann. E-V-A-N.
Middle initial F. Last name K-O-H-L-M-A-N-N.

6

THE COURT: You may proceed, Ms. Brook.

7

And, as the ladies and gentlemen can see, there's a
little bit of a delay. But as we go through it, I think we'll
adjust to it.

10

MS. BROOK: Thank you.

11

EVAN F. KOHLMANN, WITNESS, SWORN

12

DIRECT EXAMINATION

13

BY MS. BROOK:

14

Q Good morning.

15

Can you hear me?

16

A Yes, I can. Sorry.

17

Q Would you please introduce yourself to the Ladies and
Gentlemen of the Jury.

19

A Yes. My name is Evan F. Kohlmann. I'm an international
terrorism consultant and I'm Chief of Research and Development
as Flashpoint Global Partners in New York City.

22

Q And, sir, we can see that here you are appearing on a
video feed.

24

Did you have a flight booked to come out here to
testify live in person?

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1 A I did, yes.

2 Q Can you explain to us what happened.

3 A Unfortunately, in the last few days, I broke my shoulder
4 and arm rather badly and I was advised by doctors not to
5 travel unless I wanted to go in for several rounds of surgery.

6 Q So as we're here this morning, I note that you're speaking
7 into a microphone. We were doing some sound tests earlier.

8 If you put the microphone down just for a moment, I
9 want to see if the sound is still not enough.

10 A Sure. Is that better?

11 Q Yeah. Let's keep it up. I know it's inconvenient, so
12 we'll carry on that way.

13 A Yep. No problem.

14 Q Sir, can you tell us about your educational background.

15 A Yes. I have a BSFS, a Bachelor in the Science of Foreign
16 Service from the Edmund A. Walsh School of Foreign Service at
17 Georgetown University in Washington, DC.

18 I also have a certificate in Islam and
19 Muslim-Christian Understanding from the Prince Alwaleed bin
20 Talal Center for Muslim-Christian Understanding also at
21 Georgetown University.

22 And I have a graduate law degree, a JD, from the
23 University of Pennsylvania Law School in Philadelphia,
24 Pennsylvania.

25 Q Let's talk for a moment first about your time at

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1 Georgetown University.

2 What was your focus during your undergraduate
3 studies?

4 A My focus was on international security studies with,
5 again, a particular focus on the Muslim world.

6 Q Did you work as a research assistant during your time
7 there?

8 A I did, yes.

9 Q And what did you work on?

10 A I worked with Dr. Mamoun Fandy in the Center for
11 Contemporary Arab Studies, which is another subset of the
12 School of Foreign Service at Georgetown.

13 I worked with him conducting research on dissident
14 groups in North Africa, the Arabian Peninsula, and elsewhere
15 in the Middle East.

16 Q Did you write an honors thesis when you were there?

17 A I did, yes.

18 Q And what was that on?

19 A The title of my honors thesis was The Legacy of The Arab
20 Afghans, A Case Study.

21 It examined the roots of the conflict that took place
22 in Afghanistan during the 1980s, why foreign fighters had
23 traveled to join that conflict and take part in that conflict,
24 and what happened to those individuals after Afghanistan ended
25 in 1989, where they went, what they did, and how they tried to

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1 carry on the legacy that they had established at Afghanistan
2 in other countries.

3 Q Based upon your studies at Georgetown, were you nominated
4 to apply for a Rhodes Scholarship?

5 A I was, yes.

6 Q And let's turn next, you spoke about going to law school.

7 Where did you go to law school?

8 A I went to the University of Pennsylvania Law School in
9 Philadelphia, Pennsylvania.

10 Q And what year did you graduate?

11 A I graduated from law school in May of 2004.

12 Q So let's take a step away from your educational background
13 and talk for a moment about your employment history.

14 In 1998 before you started law school, did you work
15 as a -- well, did you work for a private counterterrorism
16 organization in Washington, DC?

17 A I did, yes.

18 Q And can you tell us about that?

19 A Yes. Starting in 1998, I began working at a think-tank
20 and a watch dog group in Washington known as the Investigative
21 Project, both while I was in college and then later while I
22 was in law school.

23 I began conducting research on various different
24 terrorist organizations, looking specifically at financing,
25 recruitment, and communications. And the groups, again,

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1 specifically that I was looking at were primarily al-Qa'ida,
2 al-Qa'ida affiliates, Hamas and Hezbollah.

3 Q So carrying on with your employment history, in 2003
4 during the time that you were at Penn for law school, did you
5 begin a company by the name of Global Terror Alert?

6 A Yes. In 2003 I left the investigative project and I
7 established my own consulting firm and my own information
8 outlet known as Global Terror Alert and I began doing
9 consulting work on the same subject matter that I had been
10 working on previously.

11 Q So what was the purpose of the consulting work that you
12 did there with Global Terror Alert?

13 A The consulting work that I did there was working both with
14 private clients as well as public clients -- when I say
15 "public clients," I mean various different governments --
16 working on producing information, raw information taken from
17 the communications, financing, and propaganda of various
18 terrorist organizations.

19 And then for some clients then, further distilling
20 that raw information into everything from unclassified reports
21 and memorandum, court testimony, video productions,
22 statistical research, whatever a particular client was looking
23 for.

24 But the core base was an interest in the raw research
25 that I had gathered and how that would shed light on questions

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1 about the financing, the recruitment, and the propaganda and
2 communications of terrorist groups; and primarily here,
3 al-Qa'ida and al-Qa'ida affiliates.

4 Q You spoke about working for some nonprofit organizations.
5 Can you explain to us what The Nine/Eleven Foundation is?

6 A Sure. I believe you're referring to the Nine/Eleven
7 Finding Answers Foundation, otherwise known as NEFA.

8 NEFA was established, I believe, in 2006 in order to
9 fund research into the financing and communications of
10 al-Qa'ida and other terrorist groups in order to provide that
11 information to everyone from policymakers, academics, folks in
12 law enforcement, anyone who could take this information and
13 make use of it in order to curb the problems stemmed from the
14 issues of terrorism.

15 Q And did you provide information, consulting, and services
16 for that foundation as well?

17 A Yes. For several years the foundation -- rather, excuse
18 me -- paid me in order to provide raw data, as well as refined
19 data, reports, and other materials. I also attended
20 conferences that they had put on with other academics and
21 policymakers, et cetera.

22 Q And, again, some of the information that you were
23 providing in that capacity, was it for al-Qa'ida and al-Qa'ida
24 affiliate terrorist organizations?

25 A Yeah. There was a little bit of Hamas and Hezbollah, but

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1 most of it was focused on al-Qa'ida and al-Qa'ida affiliates.

2 Q Have you worked abroad in areas affected by terrorism?

3 A Yes.

4 Q Where?

5 A I have worked with the Office of the High Representative
6 in Sarajevo, in Bosnia-Herzegovina in order to track foreign
7 fighters, foreign jihadists from various countries in the
8 Middle East who fought during the Bosnian War there and were
9 using the country in order to seek basically a hideout or
10 asylum.

11 I have also worked with other local authorities also
12 in Bosnia and in Sarajevo, including the USNIC, the national
13 intelligence cell, in order to collect similar information. I
14 have also attended conferences and spoken and met with
15 government officials in countries including the Kingdom of
16 Saudi Arabia, the United Arab Emirates, Qatar, Jordan,
17 Azerbaijan, Turkey, various other states.

18 Q As part of your work abroad, have you worked for any
19 international criminal tribunals?

20 A Yes.

21 Q Where?

22 A I have done -- I have been hired to do work on behalf of
23 the International Criminal Tribunal for the former Yugoslavia.
24 I was specifically hired to review original documents and
25 records concerning foreign fighters, again, foreign jihadists,

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1 who had traveled to the Vulcans, reviewing their conduct,
2 their connections to overseas terrorist organizations, and
3 their involvement in human rights atrocities.

4 Q Have you done consulting work for the United States
5 Government?

6 A I have, yes.

7 Q And have you also done consulting work for other foreign
8 governments, allies of the United States?

9 A That's correct, yes, otherwise known, typically, as the
10 Five-Is, but we have also done work for a few other U.S.
11 allies.

12 Q What are the Five-Is?

13 A They are several nations around the world that share
14 information and intelligence with the U.S. Government fairly
15 fluidly. They include the United Kingdom, Canada, Australia,
16 New Zealand. These are typically the countries we work with.

17 However, I have also worked with law enforcement and
18 intelligence agencies and militaries in countries such as
19 Switzerland, Denmark, Bosnia-Herzegovina, and beyond.

20 Q So I want to turn our attention now to your company
21 Flashpoint Partners. Can you describe Flashpoint Global
22 Partners, what its purpose is?

23 A Yes. Flashpoint began as an outgrowth of my initial
24 consulting business. Flashpoint -- the mission behind
25 Flashpoint is to collect information from the Deep and Dark

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1 Web.

2 And what do I mean by "the Deep and Dark Web," I mean
3 the places online that are not necessarily familiar to the
4 average web user or web browser. They may require credentials
5 to access. But these are where illicit transactions are
6 taking place.

7 And my particular expertise at Flashpoint is
8 analyzing and collecting signal intelligence, signal
9 information regarding terrorist organizations, terrorist
10 supporters, financiers, others online. So my focus is on the
11 terrorist use of the Deep and Dark Web.

12 Q Explain for us a little bit what you mean by the Deep and
13 Dark Web. What is that?

14 A Sure. So, if you go on Google and you run searches on
15 Google for the word "jihad" or "al-Qa'ida" or "ISIS," you'll
16 get plenty of results, but most of those results are on news
17 sites or they are on chat sites, but they're on sites where
18 they're ordinary people who are talking about this or
19 providing information.

20 However, there are also locations on the Internet
21 that are not as easy to find and some of them are well off the
22 beaten path. But these are places where members, recruiters
23 of, and even leaders of terrorist organizations go to share
24 information, to chat with each other, to discuss events, and
25 to recruit new members.

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1 And these locations can be anything from a website, a
2 web forum -- this is the most common form of a terrorist's,
3 basically, foothold on the Internet, which is an Internet
4 discussion forum.

5 There's also other technologies like Twitter,
6 Facebook, and others which are not the Deep and Dark Web, but
7 nonetheless, terrorist organizations have established a
8 foothold on.

9 Q We're going to circle back around in a few minutes and
10 talk a little bit more about these forums and these chat rooms
11 and other mechanisms of social connection on the Internet, but
12 before we get into that, what year was Flashpoint Global
13 Partners created by you?

14 A Sure. Flashpoint, I believe, initially, was established,
15 I believe, in 2010/2011.

16 Q And generally speaking, what services does the company
17 provide its clients?

18 A Flashpoint provides a range of services or primary
19 services. It's to provide data. We provide raw data from the
20 Deep and Dark Web to a variety of different clients, including
21 government clients, as well as nongovernment clients, large
22 banks, other major financial institutions, retailers, you name
23 it, pretty much across the board.

24 We are also asked to provide more refined analysis.
25 So in addition to providing the ability for our clients to

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1 have, you know, a deep vision into the Deep and Dark Web, they
2 also ask us to take bits and pieces of information and to
3 provide human analysis on it:

4 What does this mean for us? What does this mean in
5 general? How does this impact in a greater sense?

6 And so we're asked to take various different pieces
7 of this raw information that we are collecting and we're asked
8 to then distill it into a report or a memorandum or even a
9 video, something that will allow others to read this and
10 comprehend it without necessarily having the experience and
11 the years of looking at this that we necessarily do.

12 Q You mentioned when we first started talking that you serve
13 as the Chief of Product Development and Research.

14 A I am actually the Chief Research and Development Officer.
15 I believe, initially, I was Chief Innovation Officer and then
16 we were given a shift in titles.

17 Q How many employees do you have at Flashpoint Global
18 Partners?

19 A Currently, we are, I believe, at 40; and by the end of
20 this year, we should probably be about 70.

21 Q And has your company received any grants or investments?

22 A We have received both grants and investments. About a
23 year-and-a-half ago, along with a team of other academics and
24 researchers, we were the recipients of what is known as the
25 Kanishka Grant, which is a grant from the Canadian government,

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1 that supports research into communications and propaganda and
2 recruitment by terrorist organizations obviously with a
3 particular focus looking at how that impacts the recruitment
4 of Canadians.

5 We have also received an investment sum, what's known
6 as a Series A investment, from actually a mixed group of
7 different investors, including TechOperators, which is a
8 venture capital firm based in Atlanta, Bloomberg Beta, Sysco
9 and, again, a variety of other investment partners.

10 Q So speaking about your --

11 A And that was for -- go ahead. Sorry.

12 Q No. That's okay. You can finish.

13 A And that was for a Series A investment round. It was a
14 \$5 million investment round. The idea was is that we were
15 supposed to double in size.

16 Q We started speaking a couple moments ago about your
17 company and some of the places on the Internet where your
18 company does research. Let's take a step back and just talk
19 about the research in general.

20 So generally speaking, what type of research does
21 your company provide?

22 MR. MAYNARD: Objection, Your Honor. This is beyond
23 the scope of --

24 THE WITNESS: So we gather information --

25 MR. MAYNARD: -- the report that was provided.

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1 THE COURT: Excuse me. There is an objection and I
2 know you can't see the lawyer that's standing to make the
3 objection.

4 The objection is overruled. The witness may answer.

5 THE WITNESS: So we collect information from a
6 variety of different locations on the Internet. The primary
7 location we look to, again, are places in the Deep and Dark
8 Web.

9 So this would include explicit forums, discussion
10 forums that are password-protected, that are set up to
11 disseminate information on behalf of al-Qa'ida and ISIS.

12 Similar forums also exist for groups like Hamas and
13 Hezbollah. We collect those too. We basically suck down all
14 of the information that's being posted on these sites, both
15 the messages that are being sent as well as the media.

16 And what do I mean by "media"?

17 These groups, they traffic very heavily in images and
18 in video. And that's typically, you know, propaganda,
19 sometimes other documents, but oftentimes it's propaganda of
20 these groups.

21 We save both the messaging content, in other words
22 what these people are saying to each other, as well as we also
23 save the media that they are releasing on behalf of these
24 groups online.

25 We also monitor other locations that are not in the

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1 Deep and Dark Web. So, for instance, Twitter, the social
2 networking platform Twitter. Twitter is open to almost
3 anyone. And, in fact, Twitter is used by millions of ordinary
4 people as well as Twitter is also used by credit card thieves,
5 by Russian hackers, and by terrorist organizations and by
6 members of terrorist organizations.

7 So while we don't monitor Twitter as a whole looking
8 for words like "bomb" or "gun" or "kill," we look for specific
9 accounts on Twitter that our analysts have identified as
10 belonging or being associated with particular terrorist
11 organizations, representatives of terrorist organizations, or
12 members of terrorist organizations.

13 BY MS. BROOK:

14 Q So you mentioned that your company sucks in or takes in
15 this type of information that you just outlined. When your
16 company brings it in, where do you keep it?

17 A Sure. The data is -- depending on what its type, if it's
18 a messaging content, it's stored in a giant search engine that
19 we have built that is kind of like -- we call it "Google For
20 The Deep and Dark Web." Right?

21 If it's video or propaganda, it's saved in kind of a
22 business-records type archive where each video or each image
23 or each website that's encountered, it's labeled with a
24 particular time and date that it first emerged, it was first
25 posted online. The original source is saved so we know

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1 exactly where we got it from. And then everything is
2 organized by group, by media wing.

3 So it's very easy for us to go back and say, okay,
4 between this period of time and this period of time, this
5 group and this media wing issued these videos and they came
6 from here and we know that because we have got the original
7 source right here.

8 So everything is being stored in the -- you know,
9 like business records, basically.

10 Q So you spoke specifically about videos which you store.

11 Do you also store and keep original communications
12 released by terrorist organizations?

13 A Yes. I should explain. We save video recordings. We
14 save communiques. We save magazines. We save original
15 images.

16 In the last few years, particularly, ISIS has begun
17 issuing photographic montages as part of their propaganda. We
18 save these as well. And, obviously, this information as a
19 whole offers a unique window into the activities of these
20 groups.

21 Q I want to take a step away from your research and
22 collection of information on the Internet itself and talk a
23 little bit about interviews that you have conducted.

24 Have you personally interviewed representatives,
25 members, and leaders of terrorist organizations?

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1 A Yes, I have.

2 Q And can you explain that?

3 A Yes. I have conducted interviews with these individuals
4 both in person as well as online and over the telephone. The
5 reason why some of these interviews had to be conducted online
6 or over the telephone was simply that the people that I was
7 interviewing were in conflict zones where I would be -- I
8 would be in significant risk for traveling there and
9 attempting to meet with them.

10 The individuals that I am describing here include
11 everyone from individuals that have been convicted in U.S.
12 courts of terrorism offenses and British courts of terrorism
13 offenses; individuals such as Abu Hamza al-Masri, otherwise
14 known as Mustafa Kamel who was a recruiter for al-Qa'ida and
15 other groups.

16 I have also met most recently with Zacarias
17 Moussaoui, the alleged twentieth hijacker who is currently
18 imprisoned at Supermax Prison in Florence, Colorado.

19 I have interviewed leaders of a variety of
20 different -- Sunni Iraqi insurgent groups, including Hamas
21 al-Iraq, the al-Rashideen Army, and the Islamic Army of Iraq.
22 These interviews were conducted, obviously, over the telephone
23 and over the Internet because meeting with Sunni insurgents in
24 Iraq is not a very safe thing to do.

25 I have also interviewed others from other groups that

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1 are not necessarily al-Qa'ida but are also Sunni jihadist
2 groups such as Lashkar-e-Taiba. In addition to that, I have
3 conducted interviews with members of these groups.

4 So, back about a year ago, over the social networking
5 platform Kik, I was able to interview and speak with a young
6 Canadian individual in his late teens who had joined ISIS and
7 was working for ISIS in the city of Mosul in Iraq. And I was
8 able to interview him and chat with him via Kik and ask him a
9 variety of questions.

10 Most recently, I was speaking at length with an
11 individual known as Eunice Suli who is -- was the original
12 person behind the website that first launched al-Qa'ida in
13 Iraq, later ISIS, onto the Internet.

14 So I interview people at a variety of different
15 levels within the organizations, both leaders, recruiters,
16 members, people involved in logistics, i.e., getting folks on
17 the Internet to try to get a holistic view of what's going on
18 in these groups.

19 Q And you spoke a moment ago about interviewing certain
20 people who were obviously not located here in the United
21 States over the Internet or using some sort of a digital means
22 to connect with them.

23 Have you traveled to Iraq, Syria, Afghanistan, or
24 Pakistan?

25 A No, I have not.

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1 Q And is there a reason why you have chosen to not travel to
2 those locations?

3 A Yes. I obviously -- obviously, I had significant concerns
4 for my own safety. The work that I do is not a secret. The
5 fact that I work with the U.S. Government and other
6 governments in law enforcement cases is not a secret. It's a
7 well-known fact. I appear on television.

8 If we need to send someone to conduct an interview
9 with someone face-to-face, I'm not the person that is most
10 appropriate in a conflict zone such as Syria, Iraq,
11 Afghanistan. The risks are simply too high.

12 Q Let's talk about your language skills and the different
13 languages that you speak.

14 What languages do you speak?

15 A I speak -- fluently, I speak English and French.

16 Q And do you speak Arabic?

17 A I don't speak Arabic fluently, but I do have something of
18 a working knowledge from having studied Islam.

19 Much of Islam, the terminology of Islam, is Arabic
20 terminology. So I can't read Arabic characters, but I
21 understand quite a bit of transliterated Arabic.

22 Q So for your work within your company, how do you
23 compensate for not being fluent in Arabic?

24 A We -- in my company we deal with many, many different
25 languages. We deal with -- even just on the jihadi side we

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1 deal with Arabic, Urdu, Pashto, Farsi, French, English,
2 German. It's not possible for really any of us to speak all
3 of these languages.

4 So what we have done is we have hired a team of
5 subject matter experts who are either native speakers of these
6 languages or have had extremely extensive experience dealing
7 with these languages, including former polyglots working for
8 national security agencies here in the United States, folks
9 that speak many, many, many different languages far better
10 than I could ever.

11 And obviously, that allows us to quickly be able to
12 triage through information without having one person trying to
13 be a translator, an analyst, a researcher all in one.

14 Q So you have spoken about how you and your company gather
15 information off the Internet off the Deep and Dark Web and
16 other locations.

17 As part of how you function within your company and
18 what your company does, is there a categorization or a
19 classification of the information that you use and obtain in
20 order to generate memorandum and the research that you do?

21 A Yes. When we're looking at information, we break down
22 information into roughly three categories. Those three
23 categories are primary, secondary, and tertiary information or
24 tertiary research.

25 Now, what do these different categories mean?

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1 "Primary research" in the context of a terrorist
2 group or research on terrorism would be directly witnessing a
3 terrorist act or physically going and face-to-face speaking
4 with the leader of or representative of a terrorist group.

5 Now, quite obviously, there are some opportunities
6 for this and I have taken them. But there aren't a lot of
7 opportunities to meet face-to-face with the leaders of ISIS.
8 There aren't a lot of opportunities to witness a live
9 terrorist attack in progress. Those are fairly rare.

10 What's more common in terrorism research are
11 secondary sources. And "secondary sources" would be an
12 authentic, credible video recording put out by a terrorist
13 group, a website, an official website, authenticated, put out
14 by a terrorist group, or an official magazine, or an official
15 statement.

16 While these, obviously, are not quite as good as
17 being face-to-face with someone and being able to ask them
18 hard questions, these are authentic, credible, and reliable
19 pieces of information that are coming, in the vernacular,
20 directly from the horse's mouth. And these sources of
21 information are much more common in the study of terrorism;
22 and they are, frankly, the most reliable or the most reliable
23 common form of information that can be found in this field.

24 The final category is tertiary information, tertiary
25 data. "Tertiary data" would be -- an example would be a

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1 newspaper report of that terrorist group.

2 Now, there may be certain facts in that newspaper
3 report that are verifiable and are reliable and can be
4 rereported. However, it should be understood that journalism
5 and that media is the product of the viewpoint of the person
6 who is reporting.

7 And thus, with tertiary sources, researchers have to
8 be very careful to make sure that whatever angle they're
9 learning from this, it's not been tainted by the person that
10 created it.

11 And as such, tertiary sources, generally speaking,
12 are not used -- or they are only used in a limited context, I
13 should say. If the purpose is to establish that an event
14 occurred on a particular date and there is no doubt or no
15 question that that event occurred, then a tertiary source, a
16 New York Times source, a BBC article may be okay.

17 But for anything where there is any doubt or any
18 question or a lack of information, tertiary sources are most
19 of the time not reliable and that's why we try to avoid them
20 as much as possible.

21 Q So going back just briefly, you started speaking about the
22 primary sources of information and you highlighted interviews.

23 Earlier when we were talking, you spoke about a
24 couple of interviews that you have done in your professional
25 capacity, one in particular, you talked about interviewing the

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1 twentieth highjacker in the Supermax Prison in Colorado.

2 Have you also had the opportunity to interview
3 Abdullah Azzam's son?

4 MR. MAYNARD: Objection to the form of the question,
5 Your Honor.

6 THE COURT: Sustained.

7 BY MS. BROOK:

8 Q Who else have you interviewed?

9 A I have also interviewed the son-in-law of Abdullah Azzam.

10 I have interviewed at least two individuals in London
11 who are close associates or were among the founders of the
12 Saudi Islamist movement that led to al-Qa'ida.

13 I have interviewed Omar Bakri Mohammed, the founder
14 of the Al-Muhajiroun movement, which is currently sending
15 recruits to join ISIS and who has been expelled from the
16 United Kingdom for inciting his followers to murder people.

17 I have interviewed a variety of different people.

18 Q Have you attended extremist rallies or conferences, other
19 events where people who are part of these terrorist networks
20 gather?

21 A That's correct. I have, yes.

22 THE COURT: Excuse me, Ms. Brook, we're going to take
23 our morning break.

24 Ladies and gentlemen, we'll reconvene in 15 minutes
25 at ten minutes to 11:00.

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1 You are reminded of the admonition not to discuss the
2 case or form any conclusions about it until you've heard all
3 the evidence and begun your deliberations.

4 Court is in recess for fifteen minutes.

5 (Recess taken at 10:34 a.m.; resumed at 10:53 a.m.)

6 THE COURT: Thank you, ladies and gentlemen. Please
7 sit down. The record will show the presence of the jury,
8 counsel, and the defendant.

9 Ms. Brook, you may continue with your questions.

10 MS. BROOK: Thank you, Your Honor.

11 And before I do, I just wanted to check. I moved an
12 easel over there. And in a few moments we're going to move to
13 admit a demonstrative exhibit.

14 Is that okay for Your Honor in its placement?

15 THE COURT: It's fine.

16 MS. BROOK: In the break we had an opportunity to fix
17 the audio a little bit and so I don't think you need to hold
18 the microphone anymore.

19 BY MS. BROOK:

20 Q When we left off, we were talking about primary,
21 secondary, and tertiary sources of information upon which you
22 rely within your business.

23 And in speaking about the secondary sources, you
24 talked about some magazines and publications that are put out
25 by terrorist organizations. You also mentioned the fact that

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1 they're authentic.

2 How do you know that these magazines and publications
3 are, in fact, authentic?

4 A Sure. There is a multistep process to authenticating a
5 video, a magazine, a communique issued by a terrorist group.

6 The first thing you look to is where was it issued
7 from. And there are particular places on the Internet that
8 are password-protected and that are specifically and directly
9 endorsed by the leaders of al-Qa'ida, ISIS, and other groups
10 that are the official, unambiguous locations where this
11 material is released.

12 And in these locations there are rooms where only
13 official couriers from these groups can post new materials.
14 Thus, it's resolved not just for us, but for anyone else who's
15 interested in jihad propaganda. So that's the first thing is
16 where was it released from.

17 The next thing you look to is who released it. And
18 what do I mean by this?

19 Most videos that are produced by groups like
20 al-Qa'ida or ISIS, they don't say "al-Qa'ida Productions."
21 They don't say "ISIS Productions."

22 The watermark that they have on their material
23 represents a media wing which is the official media wing of
24 al-Qa'ida or ISIS or another group, but it has a specific
25 name.

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1 So, for instance, the main media wing for al-Qa'ida,
2 al-Qa'ida Central is known as As-Sahab; and this means "the
3 clouds." And they have their own insignia. And any time that
4 insignia, that watermark appears on a video, you know that
5 that should be -- it appears to be anyway -- the production of
6 al-Qa'ida's main media wing.

7 With regards to ISIS, there are a variety of
8 different official media wings, some that focus on Arabic and
9 some that focus on English and on other languages.

10 And then finally, there's the third piece, which is
11 what is shown in the video itself. Often these videos depict
12 things that could not possibly be faked. They are what we
13 call "self-authenticating." If you see someone being beheaded
14 on camera and at high resolution, it's very doubtful that was
15 created using special effects. It's very doubtful that was
16 created using sleight of hand.

17 And so those kind of things, an official appearance
18 by the leader of a terrorist organization on video, again,
19 those kind of things become self-authenticating in that they
20 are unique, they have never been seen before, and they clearly
21 contain content which represents reality.

22 Q If somebody posts a fake video, based upon what you have
23 seen in your line of work, what is the response from the
24 Islamic State?

25 A It's interesting, because regardless of whether it is

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1 al-Qa'ida or ISIS or any other terrorist group, fake videos
2 that are issued in the name of these groups get debunked very,
3 very quickly.

4 There have been occasionally attempts by people to
5 pass off data from one group as another. But within usually
6 minutes, because there is an active social networking
7 community online full of people who are jihadist who are very
8 familiar with these videos -- some of whom made these
9 videos -- they immediately call out people who are
10 disseminating fake material.

11 Q I want to circle back around for a moment to those
12 access-controlled forums that you were speaking about.

13 The forums that are access-controlled that you have
14 access to and that you are able to see, are the individuals
15 within those forums vetted by members of these terrorist
16 organizations?

17 A Yeah. The membership on password-protected web forums,
18 the main web discussion forums or groups like ISIS, those are
19 usually policed pretty heavily. It's very difficult to get
20 access and it's very difficult once you are on the forum to
21 post messages.

22 If you start posting content that isn't in line with
23 what these folks want to see, they will revoke your membership
24 almost instantaneously. And just trying to get onto these
25 forums is extremely difficult.

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1 They very rarely open up for new registration. And
2 when they do, almost invariably, in order to register, you
3 have to have another member of the forum sponsor you. In
4 other words, you have to be a known quantity. Somebody on the
5 forum has to be able to speak on your behalf and say this
6 person is legitimate.

7 Q I want to speak for a moment about your work in some other
8 areas.

9 Do you work with media, television media?

10 A Yes, I do.

11 Q And, specifically, who do you work with?

12 A Since October 2004 I have been on an exclusive contract
13 with NBC News, MSNBC. As part of that contract, I am required
14 to provide NBC and MSNBC with breaking terrorist media, in
15 other words, the latest ISIS videos, the latest ISIS
16 communiques.

17 I'm asked to vet other material that they collect
18 independently and determine whether or not it appears to be
19 real or it appears to be authentic; again, mostly relating to
20 al-Qa'ida and ISIS.

21 I also appear on television in order to provide
22 on-air analysis about events taking place involving ISIS and
23 al-Qa'ida.

24 So, for instance, during events such as the Charlie
25 Hebdo attack in Paris, or the most recent terrorist attacks in

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1 Paris, NBC will have me come on their programs to explain the
2 context and developments and relevance to ISIS.

3 Q You talked a little bit ago about your consultation work
4 with the United States Government. Which agencies have you
5 worked with?

6 A I have worked with a variety of different U.S. Government
7 agencies including the Department of Justice, the FBI, the
8 Department of Homeland Security, various branches of the
9 United States Military.

10 I have worked with the United States Treasury
11 Department and the Secret Service and we have even done stuff
12 with intelligence agencies like the CIA.

13 Q I want to turn for a moment to your publications. What
14 books have you published on the subject of terrorism?

15 A What books have I published? I published one book, the
16 title of that book is *Al-Qa'ida's Jihad in Europe, the*
17 *Afghan-Bosnian Network*. It was published in 2004, first in
18 the United Kingdom and later that year it was published here
19 in the United States by Paul Gray Macmillan.

20 Q Does that book in particular touch upon any of the Jihadi
21 clerics or leaders that you came across in connection with
22 your work in this case?

23 A Yes. Yes, that's correct.

24 Q And speaking specifically about that book, is that book
25 used as course material in any university classroom settings?

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1 A Yes. Since its publication, it has been used as a course
2 text in classes that have been taught at the Johns Hopkins
3 School of Advanced International Studies, Harvard's Kennedy
4 School of Government. It's been used as a course text in the
5 universities in the United Kingdom and Australia. Yeah.

6 Q I want to talk for a moment about some of your other
7 publications and your articles.

8 Before I do though, I want to help us a little bit
9 with nomenclature to understand the concepts we're talking
10 about.

11 So the "Islamic State" is referred to as "ISIS," is
12 that true?

13 A Correct.

14 Q What else historically has that organization, the Islamic
15 State, been known as?

16 A Sure. Prior to January of 2006 the Islamic State, a/k/a
17 ISIS, was known as al-Qa'ida in Iraq.

18 In 2006 at two different points in time, al-Qa'ida in
19 Iraq decided to rename itself. First, it renamed itself the
20 Mujahideen Shura Council; and then a few months later,
21 following the death of its founder, it renamed itself, again,
22 the Islamic State of Iraq.

23 Once the Islamic State of Iraq in 2013 expanded into
24 Syria, it became the Islamic State of Iraq and the Levant.
25 "The Levant" is a term that refers to what we describe as

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1 Greater Syria. So this would include present day Syria,
2 Jordan, Palestine, Lebanon.

3 And then in 2014, excuse me, at a certain point in
4 time, the Islamic State then said: We're changing our name
5 again, and now we just want to be known as the "Islamic
6 State." So drop the "Iraq" and "Levant." Just call us "the
7 Islamic State."

8 Q So when we speak about "ISIL," is that referring to the
9 Islamic State and the Levant?

10 A Yes. Al-Qa'ida in Iraq, the Islamic State of Iraq, the
11 Islamic State of Iraq and the Levant, the Islamic State, the
12 Islamic State of Iraq and al-Sham, these are all the same
13 organizations. These are just different names at different
14 time periods for basically the same organization.

15 Q All right. So in focusing in on those organizations, the
16 Islamic State and its predecessor organizations that are all
17 fundamentally based upon the same root base, in the past
18 decade how often have you written about the subject of those
19 organizations?

20 A It's a very common topic. It's one of the primary topics
21 that I have written about, particularly al-Qa'ida in Iraq, the
22 evolution to the Islamic State of Iraq, the propaganda and
23 communication networks developed and employed by al-Qa'ida in
24 Iraq and the Islamic State of Iraq.

25 Q And have you presented at conferences on the subject of

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1 the Islamic State and its predecessor organizations?

2 A Yes. I've presented frequently, and again, particularly
3 on the propaganda, recruitment strategies, and online
4 communications of these particular groups.

5 Q So just a couple more quick questions about you before we
6 get into the context of your analysis and your work in this
7 case.

8 When did you first testify in a legal case as an
9 expert?

10 A I believe I first testified in 2004 in the Eastern
11 District of Virginia.

12 Q And in the United States since that point in 2004,
13 approximately how many cases have you been involved in
14 providing expert analysis?

15 A Involved in, it's been several dozen.

16 Actually, testifying, this, I believe, is the 32nd
17 time I have testified in U.S. Federal Court and it's the 34th
18 time I have testified in U.S. courts in general, if you
19 include military courts as well.

20 Q And just generally speaking, what are the concepts that
21 you've testified before as an expert in that capacity?

22 A The vast majority of my testimony has been focused on
23 al-Qa'ida, al-Qa'ida in Iraq, other al-Qa'ida affiliates,
24 their hierarchy, their leadership, their financing, and their
25 communications.

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1 Q You spoke about the 32 or so times here in the United
2 States that you've testified in federal court.

3 Have any of those occasions been on behalf of a
4 defendant?

5 A No.

6 Q And can you explain that?

7 A Yes. I have only been given one opportunity to testify on
8 behalf of a defendant. It was not in a criminal case. It was
9 in a human rights trial. And I believe that my research was
10 apparently going to be twisted to justify the genocide of
11 Muslims, something that I neither agreed with nor wanted to be
12 a part of.

13 Q During those occasions in which you have testified that
14 you have spoken about, have you been provided evidence which
15 you have reviewed and analyzed to determine what significance
16 or value it may have?

17 A Yes.

18 Q And we have talked about domestic cases.

19 Let's turn briefly to international cases. About how
20 many times in international courts have you testified?

21 A I believe I've testified a total of eleven times.

22 Q Have you testified in U.S. Military Commissions?

23 A Yes.

24 Q Where?

25 A I have testified twice in the U.S. Military Commissions in

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1 Guantanamo Bay, Cuba, and I was qualified a third time to
2 testify, though the trial has not been -- or it never was
3 completed.

4 Q So taken together since 2003, the work that you have done
5 consulting with the United States Government, and in addition
6 to which all these occasions that we've talked about where you
7 have testified as an expert, approximately how much have you
8 been paid by the United States Government?

9 A Sure. Personally, I have been paid approximately \$1.3
10 million over the last 12 or 13 years. This doesn't include
11 moneys that are now paid via contract to Flashpoint. However,
12 I don't receive a cut of those contracts. I receive a salary
13 from Flashpoint.

14 Q When you have worked for foreign governments, have you
15 been compensated as well?

16 A That's correct, yes.

17 Q And what is your current hourly rate?

18 A My consulting rate currently is \$400 an hour.

19 Q Are you paid any bonuses based upon the outcome of any
20 trial or hearing which you have testified in?

21 A No.

22 Q And have you been paid or do you expect to be paid in
23 conjunction with your work in this case?

24 A I have not yet been paid. I do expect to be paid. I have
25 not yet submitted an invoice. I believe there is a contract

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1 for up to \$20,000 of work in this case, but I'm not anywhere
2 close to that figure right now.

3 Q Still under that figure?

4 A Well under that figure by my estimates, yes.

5 Q All right. Let's turn our attention to your substantive
6 work in this case.

7 Before we do, Your Honor, the Government has produced
8 a demonstrative aid which is aimed to assist the jury in
9 understanding individuals heard and providing a picture of
10 those individuals during the testimony. It's Exhibit No. 386.

11 And so I would move to admit it so we can publish it
12 to aid the jury as we talk about certain individuals.

13 MR. MAYNARD: Defense objects, Your Honor. I saw the
14 demonstrative aid this morning. It has eight photographs on
15 it, only seven of them have been dealt with by Mr. Kohlmann.

16 THE COURT: So these -- I haven't seen it either but
17 I can see a little bit of the side of it.

18 So the only thing on here are photographs of
19 individuals with their name underneath?

20 MS. BROOK: Correct. And it's 383. I misspoke.

21 THE COURT: And there are eight different people
22 depicted?

23 MS. BROOK: That's correct.

24 THE COURT: Are all eight of these individuals
25 pictured in exhibits that have already been admitted?

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1 Mr. Maynard suggests that only seven of them have
2 been.

3 MS. BROOK: Yes, they are, or discussed. So their
4 pictures themselves are not necessarily embedded in the
5 exhibits, but their name and they have authored work that will
6 be discussed and talked about.

7 THE COURT: That's in admitted exhibits?

8 MS. BROOK: Correct.

9 MR. MAYNARD: I'm not sure that that's accurate. I
10 believe that there's one that may not have been.

11 THE COURT: Which one?

12 MR. MAYNARD: I can't remember. There are seven that
13 were on that list that the young boy had who testified and
14 then there's another one that I'm not sure where it came from.

15 THE COURT: Well, let's -- by any chance, do you have
16 one that's 8-and-a-half-by-11?

17 MS. BROOK: That would have been ideal, but I don't.

18 THE COURT: Let's see if we can figure out who it is.

19 MR. MAYNARD: I'm sure the Government knows which one
20 it is.

21 THE COURT: But when you look at it, do you know
22 which one it is?

23 MR. MAYNARD: I would not.

24 THE COURT: How do you know there's one missing --

25 oh. Are you just saying it's because there were seven on the

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1 list that was admitted?

2 MR. MAYNARD: Yes.

3 THE COURT: Oh. So --

4 MR. MAYNARD: There's one of them that I don't think
5 was ever discussed.

6 THE COURT: So which is the one that's not on the
7 list?

8 MS. BROOK: We disagree.

9 So, on the list; on the list; on the list; on the
10 list; publications admitted; we have talked about this
11 extensively related to Twitter and other areas; the same; and
12 publications admitted.

13 THE COURT: At the present time I'm going to -- while
14 Mr. Kohlmann testifies, I'm going to permit just so the jury,
15 when he speaks of the names, has the name there because
16 they're not names that any of us are familiar with on a
17 day-to-day basis and the photos.

18 I'm not admitting it at this time until I determine
19 that, in fact, all eight of them are part of the evidence in
20 this case.

21 MR. MAYNARD: Okay. And additionally, Your Honor, I
22 don't believe that Mr. Kohlmann in his report that I have
23 received dealt with all of these individuals.

24 THE COURT: We'll see.

25 MR. MAYNARD: Okay.

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1 THE COURT: But right now, I think it's a useful aid
2 for the jury as these individuals' names are mentioned to have
3 the actual spelling of the name there and the photograph
4 associated with it.

5 MR. MAYNARD: Okay.

6 MS. BROOK: Thank you, Your Honor.

7 BY MS. BROOK:

8 Q Who hired you in this case?

9 A I was hired by the U.S. Attorney's Office in Phoenix.
10 Excuse me.

11 Q And when did you begin your work?

12 A I began work on this case approximately -- well, today is
13 March 1st, so about three-and-a-half months ago.

14 Q What were you asked to do?

15 A I was asked to, first of all, review information provided
16 to me from the FBI; information, both analysis, as well as raw
17 information gathered by the FBI, and I was also asked to
18 produce an explanation of the history and development of the
19 Islamic State of Iraq and Levant otherwise known as "ISIL" or
20 "ISIS."

21 Q We've talked a little bit about an outline of the Islamic
22 State and you have spoken about historically who their
23 predecessor organizations were.

24 Are you aware that whether or not the Islamic State
25 is a designated terrorist organization here in the United

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1 States?

2 A It is.

3 Q And that designation, where does it come from?

4 A The designation is published in the Federal Register and
5 it's issued by the State Department --

6 Q Does the designation --

7 A -- as well as the Treasury Department.

8 Q Does the designation itself trace any of the historical
9 roots to which you were speaking about a few moments ago?

10 A Yes. The official designation of ISIS as a terrorist
11 group by the U.S. Government clearly enunciates the fact that
12 it is, in fact, the same thing -- that ISIS is the same thing
13 as al-Qa'ida in Iraq. It's just a new name for the same
14 organization.

15 Q How often would you say you look at, you review, you study
16 Islamic State materials?

17 A I would say it's something I do on an hour-by-hour basis
18 when I'm not in this room.

19 Q So let's turn first to the concept of "homegrown
20 extremist." What does that mean?

21 A "Homegrown extremists" refers to individuals who have been
22 radicalized, most of the time without ever leaving their
23 countries of origin.

24 It used to be that individuals who sought to join
25 terrorist groups, the only way they could actually join the

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1 group and be part of the group was physically going abroad and
2 attending a training camp and swearing an oath of allegiance
3 to the leader of a group.

4 But that has changed. And now there is something
5 called "homegrown terrorists" or "homegrown violent
6 extremists."

7 These are individuals who acquire the belief system
8 and ideas of terrorist groups and extremist groups, primarily
9 through online means, and then decide to carry out acts of
10 violence or decide to self-recruit into terrorist groups,
11 whether or not there is anyone to bring them into the
12 organization officially.

13 Q Does the Islamic State recruit homegrown violent
14 extremists?

15 A Yes. The Islamic State recruits people both directly and
16 indirectly and has aggressively encouraged people to carry out
17 acts of violence on its behalf and to join the organization,
18 whether or not they had any prior connection to the group, and
19 whether or not they have a high level of pedigree in terms of
20 their entering into the group.

21 Q How do you mean "pedigree"?

22 A It used to be that terrorist groups were very selective
23 about the people that that they chose to --

24 MR. MAYNARD: Objection.

25 THE COURT: Excuse me, Mr. Kohlmann. There's an

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1 objection.

2 MR. MAYNARD: Your Honor, I'm going to object to this
3 whole line of testimony about --

4 THE COURT: No. No objecting to whole lines. We're
5 going to go question-by-question.

6 MR. MAYNARD: I'm objecting to this testimony. It's
7 beyond the scope of the report. There's nothing in here about
8 homegrown terrorist groups.

9 THE COURT: Sustained.

10 MS. BROOK: And, Your Honor, if I may, this was
11 encompassed within our Notice of Intent to use Mr. Kohlmann as
12 an expert in this particular case. And it also ties in
13 directly to the pieces of evidence that he's going to talk
14 about that were found on the defendant's devices as well as
15 Simpson and Soofi's.

16 THE COURT: Hold on a minute.

17 Are you referring to the Government's Supplemental
18 Notice of Intent dated November 12, 2015?

19 MS. BROOK: Correct.

20 THE COURT: I'm withdrawing my "sustained" and
21 overruling the objection because this type of information was
22 disclosed as being the subject of expert testimony. And it
23 was --

24 The rules do not require in this case that it be --
25 or the rules don't require a report at all, but it does not

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1 require that it be encompassed within the report.

2 And this type of general information was provided in
3 the November 12th disclosure.

4 MR. MAYNARD: May I be heard?

5 THE COURT: No.

6 MR. MAYNARD: Okay.

7 BY MS. BROOK:

8 Q Going back to our question: How does the Islamic State
9 recruit homegrown violent extremists?

10 A Starting about 2012, groups like ISIS and others began
11 aggressively seeking out individuals that would carry out acts
12 of violence or would self-recruit into their ranks without
13 necessarily being directly told to do so.

14 In order to achieve that, there was a major obstacle
15 or major hurdle which is access or viewing audience.

16 ISIS does not own a conventional television station.
17 They have radio transmitters but only capable of broadcasting
18 inside of Syria and Iraq.

19 So how does a group like this manage to reach a
20 larger, wider, and more diverse audience? And how does it
21 reach people that, you know, are -- it's really a needle in a
22 haystack, because not too many people are really interested in
23 self-recruiting the terrorist groups.

24 And the way that these groups have done that is
25 primarily through the Internet. The Internet allows these

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1 groups to, number one, disseminate propaganda, their
2 propaganda, to a very wide and a very diverse audience.
3 Meaning that if there are needles in a haystack out there who
4 are interested in joining, they're more likely to see this
5 stuff online and it's unedited online.

6 If you go on television and you watch documentaries
7 about terrorist groups, everything has been carefully edited.
8 Everything has been carefully sanitized.

9 The Internet is raw. It's directly and raw. It's
10 the entire contents. So rather than watching two minutes of a
11 terrorist video or 30 seconds of a terrorist video on a news
12 broadcast, you are getting the entire unadulterated propaganda
13 message directly to your own home computer.

14 The other thing about the Internet which is very
15 useful for ISIS is that it provides not just for a means to
16 disseminate media, but it's bidirectional communication. The
17 Internet allows individuals who live in very isolated corners
18 of the world to make direct contact with representatives,
19 members, and leaders -- even leaders of these groups online.

20 Previously, those connections would have never, ever
21 been made; and now it's as simple as someone joining a chat
22 forum or even sending a direct message to someone over
23 Twitter.

24 Q I want to talk first about the videos and messages that
25 the ISIS propaganda machine puts forward. Are those releases

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1 unique in their production or their quality or any features of
2 them?

3 A The video recordings that are produced by ISIS are
4 generally regarded as the most sophisticated videos produced
5 by any jihadi organization, including al-Qa'ida.

6 ISIS has pioneered a number of techniques that -- and
7 indeed, al-Qa'ida has now mimicked -- that have been
8 incredibly effective using multiple cameras, using
9 drone-mounted cameras, filming scenes over and over again in a
10 very staged way, very slick graphics and video cuts.

11 This is the kind of thing that previously you would
12 have had to have multiple teams of cameramen with big heavy
13 cameras. You would have to have a huge studio to develop
14 this.

15 But the way the technology has developed, it's well
16 within the capabilities of a handful of guys armed with
17 over-the-counter video cameras and with computers that you can
18 buy almost anywhere -- laptop computers to buy almost
19 anywhere -- the software packages to produce this stuff are
20 openly available.

21 ISIS has simply done an incredible job of taking that
22 technology and using it to produce Hollywood-quality videos
23 and Hollywood-quality magazines.

24 Q And the effect of these particular publications, releases,
25 videos, from your experience, what's the purpose of it?

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1 A There are a number of different purposes in releasing this
2 media, for terrorist groups to release this media.

3 Obviously, one of the immediate reasons to release
4 this media is to terrify or to intimidate the enemies of the
5 group.

6 So in the case of ISIS, they hope to intimidate the
7 United States. They hope to intimidate Arab governments.
8 They hope to intimidate the governments of Syria and Iraq and
9 others, including France, the United Kingdom, European states,
10 almost everyone.

11 But that's not the only purpose. There is also
12 another audience that they are hoping to reach aside from
13 merely people that are opposed to them, their adversaries.
14 They're also looking to reach their sympathizers, their
15 supporters, potential recruits. And so they are looking to
16 solicit support in a variety of different means.

17 The two most important means that they hope to
18 receive support from this stuff is, number one, by releasing
19 these videos, they hope to induce people to donate money to
20 financially support them.

21 And it is true that groups that produce very slick
22 videos, very -- you know, quite astonishing video content,
23 that is where the interest level goes. And, of course, the
24 interest level is not just money. They're also looking to
25 pull in recruits.

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1 They're looking to bring in people who can serve both
2 in the front line as well as people who have specialized
3 skills and abilities or who have lived in Western countries.
4 Because people that live in Western countries have Western
5 passports and are familiar with how to get in and outside of
6 those countries.

7 So these videos also serve a key function in terms of
8 recruiting people to come in. And the reason that so many of
9 these videos by ISIS are now being produced in English or at
10 least subtitled in English, if not entirely produced in
11 English, is because that's exactly the audience that they want
12 to try to recruit.

13 Q We're going to come back to the concept of recruitment in
14 a minute, but before we move on, what I want to discuss are
15 some of the unique aspects or attributes of these videos or
16 images that you have seen being released from the Islamic
17 State.

18 I'm going to turn your attention -- and you have on
19 the computer there the exhibits numbered the same as we do
20 here. If I could turn your attention to Exhibit No. 459 which
21 is already admitted and the Government is going to publish and
22 this was already an admitted exhibit --

23 A Yes.

24 Q -- from the defendant's Nextbook tablet.

25 In looking at this particular image, do you recognize

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1 some of the aspects of the Islamic State imagery in it?

2 A Yes, I do.

3 Q What do you see?

4 A First of all, you can see fairly clearly on the right side
5 of the screen there appears to be a flag to the -- directly to
6 the right of the third individual dressed in black. That flag
7 is the official flag of ISIS.

8 Up until about 2013, it is true that al-Qa'ida, some
9 al-Qa'ida factions, also used this flag. However, in 2013,
10 once al-Qa'ida and ISIS began fighting with each other,
11 al-Qa'ida immediately stopped using this flag and this flag is
12 synonymous with the Islamic State.

13 There are other aspects as well of this video. First
14 of all, the mosque that appears to be behind these individuals
15 appears to be a mosque in Mosul, Iraq. There are very, very,
16 very few individuals in Mosul who would be in front of a major
17 mosque carrying an ISIS flag who are not, in fact, ISIS.

18 Q Let me take a quick look.

19 A There is also the circumstances --

20 Q Just as it relates to Mosul, why would it be that it is
21 primarily populated with people who are members of the Islamic
22 State?

23 A Because of the fact that in June of 2014, the Islamic
24 State of Iraq launched an assault on the city of Mosul, Iraq,
25 seized control of the entire city of Mosul, put the entire

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1 city under their direct control, and they are directly
2 responsible for policing and enforcing the law in Mosul and
3 they still do it till today.

4 And it's extremely unlikely that they would let an
5 event like this occur that they were not involved and really
6 directly responsible for.

7 Q And I interrupted you. You were about to talk about a
8 third aspect.

9 A Yes. The third aspect is the circumstances involved.

10 Every since 2004, first the al-Qa'ida in Iraq, now
11 the Islamic State, have had a fascination with executing
12 prisoners, executing individuals seized as prisoners. While
13 they are not the only group that does this, they are the group
14 that is most prevalent in terms of executing individuals in
15 this fashion and the execution process is almost always the
16 same.

17 You have several men, masked men, dressed in black in
18 front of a captive who is wearing an orange jumpsuit. The
19 orange jumpsuit is meant to signify the same jumpsuits being
20 worn by detainees in Guantanamo Bay, Cuba.

21 The individual behind him reads a speech and then
22 eventually decapitates the prisoner. Again, while al-Qa'ida
23 in Iraq/the Islamic State is not the only group that has done
24 this, al-Qa'ida has deliberately avoided doing things like
25 this. And, in fact, for a long time, specifically told the

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1 Islamic State to stop doing this and not to do this because it
2 is bad for publicity.

3 Nonetheless, the Islamic State continued with this,
4 and thus, it makes it extremely unlikely that this is the
5 product of al-Qa'ida or an al-Qa'ida affiliate, and almost
6 certainly, the product of ISIS.

7 And finally, of course, I actually recognize this
8 screenshot. This screenshot is from an official video
9 produced by an official media wing -- produced and released by
10 an official media wing of ISIS known as Al-Hayat Kisan Media.
11 And this video depicted the interrogation and execution of
12 Kurds -- of Kurdish Peshmerga fighters, anti-ISIS fighters,
13 who were captured by ISIS near Mosul. The title of this video
14 was: A Message to the Kurds, Barzani, and the Americans.

15 Q And you mentioned you recognized this video. You have
16 seen this video?

17 A Yes.

18 Q In the end in this video, what happened to this Kurdish
19 soldier?

20 MR. MAYNARD: Objection. Relevancy.

21 THE COURT: Sustained.

22 THE WITNESS: He was beheaded with --

23 THE COURT: Excuse me.

24 I know this is difficult. The objection is
25 sustained. The jurors shall disregard the witness's last

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1 answer.

2 MS. BROOK: Maybe, Your Honor, it will help if when
3 that happens I put my hand up since his image is on me. If I
4 put my hand up maybe that will assist because I know there is
5 the audio delay.

6 BY MS. BROOK:

7 Q You had spoken a moment ago about the Islamic State flag.
8 And I want to turn our attention to Exhibit No. 65. And this
9 is unique -- I'm going to place it on the overhead --
10 admitted and seized at the Garland scene in Texas.

11 I'm going to put it on the overhead, Your Honor.

12 I don't know. Do you have a copy of 65 since it's a
13 physical exhibit?

14 A No. I do not appear to have 65.

15 Q This is a unique circumstance.

16 Can I just approach the video to show him the flag
17 briefly and he can tell us what he sees?

18 THE COURT: Yes.

19 THE WITNESS: Yeah. I believe I can see it.

20 BY MS. BROOK:

21 Q Do you recognize what you see?

22 A Yes.

23 Q What is it?

24 A This is the flag that is used as the official flag and
25 insignia of the Islamic State of Iraq and the Levant,

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1 otherwise known as "ISIS" or "ISIL."

2 Q I want to turn back to some mechanisms of communication.

3 And a few moments ago you were talking about bidirectional

4 communication that's utilized by the Islamic State.

5 Is Twitter an example of that?

6 A Twitter, indeed, is an example bidirectional

7 communication.

8 Q And does the Islamic State utilize Twitter as a means of

9 communicating with recruits or other individuals?

10 A Yes, it does.

11 Q What role does it play for the Islamic State?

12 A One the problems the Islamic State or the terrorist groups

13 in general have with the idea of elite password-protected

14 discussion forums is that it's very difficult to recruit new

15 people if you have locked everyone else out.

16 And so ISIS and other groups as well, they needed a
17 new type of social-networking tool which would allow them to
18 get their media out to a very, very wide and a very diverse
19 audience, including people who don't have access to
20 password-protected Arabic-language only discussion forums with
21 very esoteric names.

22 And it happens that one of the things that has proved
23 very useful for these groups in using Twitter is the sense
24 that they can use Twitter not only to post download links to
25 new videos, but that if someone watches one of these videos

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1 and decides they want more information or that they want to
2 join the group, they can send -- then send a direct message to
3 the person who posted the video.

4 And they can say privately:

5 I would like to help out. I'd like to join. Can you
6 give me more information?

7 And this exists both in the context of official
8 representatives of the group, as well as unofficial
9 representatives of the group, people that would like to form
10 networks of people in support of ISIS and are looking for
11 other people to sign on.

12 So this allows these folks to come together, to
13 clump, and to find the leaders that they can get advice on
14 how do I get there? What do I do? How do I build this? What
15 do you need?

16 Q Why, in particular, are these particular recruiters for
17 ISIS and other terrorist organizations drawn towards the
18 Internet and these means of communication?

19 A It used to be the way that these folks recruited was is
20 that they would go into a mosque or a community center in a
21 Western country and they try to recruit other people through
22 those means. But after 9/11 with the law enforcement
23 intelligence clamp-down, it became impossible to have a known
24 terrorist recruiter living in a Western country.

25 And anyone who is going to be on the phone talking

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1 with a terrorist recruiter in another country was going to
2 immediately come to the attention of U.S. intelligence and
3 national security agencies.

4 The Internet allows these groups a safe medium, a
5 purgatory area where they can evaluate someone and determine
6 whether or not they really are serious, whether they are a
7 spy, whether they have capabilities that would be of use, and
8 be able to do that in such a way where they don't put
9 themselves at any degree or any significant degree -- or they
10 think any significant degree -- of risk.

11 Q Based upon your experience, are there individuals who
12 speak to those that are ISIS supporters or followers here in
13 the United States that have risen to your attention in your
14 line of work?

15 A Yes.

16 Q And can you describe -- tell us who they are.

17 A Sure. Arguably, the most famous such individual on behalf
18 of ISIS was a British national who is named Junaid Hussain.

19 Junaid Hussain initially became famous not as an ISIS
20 member but as a hacker. He was convicted and sent to jail for
21 six months in the United Kingdom for hacking into a former
22 British Prime Minister Tony Blair's address book.

23 He was a very famous hacker but he had nothing to do
24 with jihad back then. After emerging from prison in the
25 United Kingdom, Mr. Hussain suddenly fled the UK and ended up

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1 in Syria where he took a new name. He came known as Abu
2 Hussain al-Britani, which means Abu Hussain, the Britain.

3 And at that point he began using the same skills that
4 he had developed as a hacker in order to help disseminate and
5 redisseminate ISIS propaganda in order to provide advice and
6 assistance to other Westerners seeking to join ISIS and also
7 to urgently encourage individuals to carry out acts of
8 violence in the Western countries with or without the direct
9 knowledge or assistance of ISIS, in other words, homegrown
10 terrorist attacks.

11 Q Why did Junaid Hussain's message, in particular, resonate
12 with supporters of the Islamic State?

13 A Junaid Hussain was important and his message resonated
14 because he represented something that these groups have
15 aspired to for a very long time.

16 These groups want to have the picture -- want to have
17 the self-image of being very sophisticated, of being very
18 technical, of being very tech savvy, of having professionals,
19 you know, normal professionals coming and joining them and
20 giving them the leg up. They want to seem elite. They want
21 to have the elite folks coming and joining.

22 Junaid Hussain was a minor celebrity before he ever
23 got to Syria. There are very few people out there with the
24 technical skills of Junaid Hussain who are available to be
25 recruited into ISIS.

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1 This was a huge coup for ISIS and it also allowed
2 ISIS to market their message directly to people who come from
3 the same constituency as Mr. Hussain, i.e., Muslims or Muslim
4 converts living in Western countries who had little or no
5 prior contact with any jihadi group, including ISIS.

6 Q Who is Miski?

7 A Sure. So there was another individual who left his home
8 in Minneapolis back in 2008. His real name is Mohamed
9 Abdullahi Hassan. He is a Somali American. He was born, I
10 believe, in the United States, but his descent comes back from
11 Somalia in the East Coast of Africa.

12 In 2008 he left Minneapolis, Minnesota, his home, and
13 he went to join a group in Somalia known as al-Shabaab.
14 Al-Shabaab is al-Qa'ida's official local franchise in East
15 Africa and in Somalia.

16 Since arriving in Somalia, Mr. Abdullahi Hassan who
17 goes online by the name Mujahid Miski using a Twitter account
18 for himself. And using this Twitter account, Mr. Miski began
19 issuing calls for violence, began encouraging Westerners to
20 carry out acts of violence, and to self-recruit not just into
21 al-Qa'ida, but even into the Islamic State.

22 Mr. Miski is one of a group of individuals in Somalia
23 who, despite the conflict between al-Qa'ida and ISIS, has
24 decided that he likes both groups and has endorsed both groups
25 and has supported both groups.

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1 Q As we speak a little bit more here in a moment about the
2 importance or role of Miski, I just want to take a second and
3 chronologically understand.

4 | What happened to Junaid Hussain?

5 A Junaid Hussain was killed in a U.S. drone strike --

6 Q And do you know --

7 A -- in Syria -- excuse me -- sometime last year. I forgot
8 exactly when.

9 Q So in discussing Miski, you talked about his presence and
10 use of Twitter.

11 I want to turn your attention to Exhibit No. 480
12 which you have before you. These are already admitted.

13 May I post?

14 THE COURT: Yes.

15 BY MS. BROOK:

16 Q We're looking here in the court at the image with the
17 handle Muhajir Miskil Miski.

18 A Yeah. It's Mujahir -- Mujahir 1436-Miski?

19 This exhibit 480?

20 Q I'm looking at page -- January 9.

21 A Oh, sorry. Sorry. January 29. Okay. Sorry.

22 January 9th or 29th?

23 Q Right. So if you can turn to January 29th, that would be
24 great.

25 A 29th. Okay. One second.

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1 I don't have January 29th. I have January 9th.

2 Q I misspoke. It is January 9th.

3 So two concepts --

4 A I have -- okay. Yeah.

5 Q Two concepts. First of all, the handle --

6 A Go ahead. Sorry.

7 Q The handle there for Miski has changed.

8 Can you explain that?

9 A Yes, I can. The activities of Mr. Abdullahi Hassan online
10 were coming to the attention of not only ISIS or al-Qa'ida
11 supporters, but they were also coming to the attention of
12 others, including law enforcement, and including the people
13 that run Twitter.

14 Twitter over the last two years has become
15 increasingly aggressive about removing accounts that violate
16 Twitter's Terms of Service Agreement.

17 One of the key prongs in that Service Agreement is
18 that individuals are not allowed to use Twitter to promote or
19 encourage acts of violence.

20 As a result, Mr. Miski began losing his accounts one
21 after the next. Within seconds or minutes of him posting
22 something that was encouraging a violent act, his entire
23 account would be removed.

24 However, there is a problem with this strategy in the
25 sense that, yes, you do remove someone's account, but that

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1 doesn't stop them from just going online and creating a new
2 one.

3 And, in fact, that's exactly what Mr. Miski did. He
4 just kept creating new accounts with very, very similar names
5 and would alert the people that were his most important
6 contacts: Hey, I'm back on. This is my new -- this is my new
7 account.

8 And Junaid Hussain, in fact, did the exact same
9 thing.

10 Q Do you recognize the image there that's above Miski's
11 handle?

12 A Yes.

13 Q Who is that?

14 A I believe that's -- I believe that's him.

15 Q Miski?

16 A Yeah. I believe so. Mohamed Abdullahi Hassan.

17 Q I want to talk a moment and discuss the Charlie Hebdo
18 attack.

19 Can you explain to us what happened at the Charlie
20 Hebdo Magazine in January of last year?

21 A Yes.

22 MR. MAYNARD: Judge, objection. It's been --

23 THE WITNESS: Over the past --

24 THE COURT: Hold on a second.

25 MR. MAYNARD: It's beyond the scope of his report.

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1 It's not relevant.

2 THE COURT: The objection is overruled on the grounds
3 of relevance but I don't want too much detail, just some
4 general background as to the -- why the magazine was targeted.

5 BY MS. BROOK:

6 Q So specifically focusing in on the attack itself, are you
7 aware why the Charlie Hebdo Magazine was attacked in Paris?

8 A Yes.

9 Q Can you explain that?

10 A Yes. Charlie Hebdo and several other European
11 publications had engaged in competitions to lampoon the
12 Prophet Muhammad.

13 Charlie Hebdo is a satirical magazine and it often
14 includes animations or cartoons. And so in order to defy the
15 rules of Islamic fundamentalists, Charlie Hebdo published
16 cartoons of the Prophet Muhammad. And in Islam, any kind of
17 drawing or picture of the Prophet Muhammad, technically, is
18 blasphemy.

19 And so these individuals at Charlie Hebdo were
20 deliberately committing, quote/unquote, blasphemy in order to
21 make a point about the freedom of speech.

22 Q As a reaction to that, was there a violent extremist
23 reaction to the magazine publication?

24 A Yes. Both al-Qa'ida and ISIS have offered monetary
25 rewards and had repeatedly encouraged individuals living in

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1 Western countries to assassinate and to murder anyone involved
2 in blaspheming the Prophet Muhammad, including the individuals
3 involved with Charlie Hebdo.

4 Q What day did the Charlie Hebdo attack occur?

5 A Charlie Hebdo attack occurred in the first few days of
6 January 2015.

7 Q Could it have been January 7th?

8 A That's correct, yes.

9 Q In speaking about Miski, did Miski have a reaction on
10 Twitter to the Charlie Hebdo attack?

11 A Yes.

12 Q What was it?

13 A He was ecstatic. He was thrilled. He lauded and heaped
14 praise upon the individuals responsible for the Charlie Hebdo
15 attacks and suggested that this was a model for other
16 individuals living in Western countries to follow.

17 Q Shortly after the Charlie Hebdo attack occurred in
18 January, are you aware of when the Draw the Prophet Muhammad
19 Contest in Garland, Texas, was announced?

20 A I believe it was announced approximately a
21 month-and-a-half afterwards in early March.

22 Q Was it March or was it February?

23 A I believe it was early March. It could have been
24 February.

25 Q When it was announced, do you recall the modes of

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1 communication of how it was announced?

2 A Yes. It was widely announced on the Internet. It was
3 announced on Twitter. It was announced via e-mail. It was a
4 major event and it got a lot of attention, including through
5 even through television and news broadcasts.

6 Q So you mentioned that it was announced via Twitter and
7 some other modes of communication. And based upon your
8 experience and your work with your company, are you aware that
9 certain people tweeted out in response to the announcement of
10 the contest?

11 A Yeah. I'm familiar with a number of different
12 English-speaking jihadists, particularly on Twitter, who were
13 very upset and were very motivated by this and were sending
14 out a lot of message content about it.

15 Q So that we understand clearly, what was the nature of the
16 concern as it relates to this particular contest?

17 A The nature of the concern among jihadists you mean?

18 Q Yes.

19 A These individuals felt that this contest was an excuse for
20 people to blaspheme and insult the Prophet Muhammad and to
21 insult Islam; and that to defend the dignity of the Prophet
22 and defend the dignity of Islam, it was necessary to stop this
23 event from taking place.

24 Q I want to take a step back as we talk more globally about
25 online social communication. Do all homegrown extremists

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1 directly communicate with ISIS members or supporters?

2 A No.

3 Q In your experience do homegrown extremists operate in
4 cells or groups?

5 A Sometimes, yes. You can have a lone wolf. It can be a
6 single individual. But frequently, what you have are groups
7 of guys that come together, each one of them having a
8 particular skill or ability or insight to contribute to the
9 group.

10 Q Specifically, as it relates to the Islamic State, have you
11 seen instances where single members, one individual member of
12 a cell, would communicate on behalf of the group itself with
13 supporters or recruiters of ISIS?

14 A This occurs both with ISIS as well as al-Qa'ida. It's
15 quite frequent -- it's quite common to have one person who is
16 the -- who is the hub for communications, for collecting
17 media, and then disseminating all this to the other members of
18 the group. It's also more secure this way as well.

19 Q How do you mean it's more secure?

20 A There is a basic sense of awareness among some of the
21 people involved with this that the U.S. Government is watching
22 people that are downloading jihadist propaganda, they are
23 watching people that are accessing Jihadi Twitter accounts,
24 they're watching people that say crazy things online.

25 So the fewer members of a jihadist unit or group or

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1 network that are actually physically on there and physically
2 downloading things, each one of them, the less likely it is
3 that all members of that network will come to the attention of
4 law enforcement.

5 Q You spoke earlier in your testimony about some of the
6 different mechanisms for support to be provided to the Islamic
7 State. I think you had spoken a little bit about some
8 financial assistance.

9 MR. MAYNARD: Your Honor, objection to the form of
10 the question.

11 THE COURT: Sustained.

12 BY MS. BROOK:

13 Q What kind of support is the Islamic State looking for?

14 MR. MAYNARD: Objection --

15 THE WITNESS: The Islamic State is looking for --

16 MR. MAYNARD: Objection. Foundation.

17 THE COURT: The objection is overruled. He may
18 answer.

19 THE WITNESS: The Islamic State is looking for a
20 variety of means of support. It certainly can use financial
21 support. It has its own financial means, but it can always
22 use more money and more financial support.

23 But more specifically, in terms of actually, you
24 know, physical items, what it can really use is individuals
25 bringing drones or other kind of technology which may not be

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1 that difficult to order -- or may not be that easy to order
2 via Amazon inside of Syria.

3 And then most importantly ISIS is looking for
4 recruits. They're looking for people that are going to be
5 able to provide them with a variety of different services.
6 They're looking for recruits who can go on the front line and
7 fight. They're looking for recruits who have specialized
8 computer skills who can help conduct their media operations
9 and can help disseminate their media. They're looking for
10 doctors. They're looking for people with experience in
11 infrastructure. They're looking for people that they can put
12 to work.

13 BY MS. BROOK:

14 Q What is "hijra."

15 A Hijrah is an Islam term that simply means "a journey" or
16 usually the connotation is a journey to an Islamic State or an
17 Islamic society.

18 Q Now, does the Islamic State mandate that its followers,
19 supporters, make a hijra to the Islamic State to provide
20 support?

21 A The Islamic State has said the following regarding hijra:

22 If you believe in our ideas and you are true Muslim,
23 you have two options. The first option is to make hijra and
24 come here to the Islamic State and become part of the state
25 and help build the state.

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1 And the second option is if you can't get here
2 through one way or another -- you don't have the money, you
3 can't get an airline ticket, you're under surveillance,
4 whatever it is -- then it's your obligation to support the
5 Islamic State in your own backyard.

6 And by that they mean carrying out acts of violence
7 directly inside of Western countries.

8 Q I want to speak specifically about exhibit, already
9 admitted, Exhibit No. 350 which you have on your computer.

10 A 350?

11 Q Yes. Correct. If you can look at the top left photo, I'm
12 not sure if it's a four-frame for you.

13 A No. It's one after the other, but the top left is No. 1,
14 right?

15 Q Yes. Do you see --

16 A Got it.

17 Q Do you see a message about a flight?

18 A Yes.

19 Q And are you able to read that?

20 A Yes.

21 Q What does it say?

22 A "When you get a flight from Bulgaria, you get a flight to
23 Sabiha Gokcen Airport not the Ataturk."

24 Q Did this -- or does this particular message have
25 significance to you based upon your experience?

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1 A Yes.

2 Q I want to speak specifically, what is Sabiha Gokcen?

3 A Sabiha Gokcen Airport is one of two major airports in
4 Istanbul, Turkey. The other major airport is Ataturk
5 International.

6 Q So what is the significance of those two particular
7 airports as it relates to the Islamic State recruitment?

8 A The primary point of entry for foreign fighters, including
9 Western fighters seeking to join ISIS, is by crossing the
10 border into Syria from Turkey.

11 The primary two entry points for Westerners seeking
12 to cross into Turkey are the two international airports
13 Ataturk International and Sabiha Gokcen.

14 Sabiha Gokcen is often preferred by ISIS members and
15 recruits because it is the smaller airport. It is less
16 well-known than Ataturk. And there is a sense among some of
17 these individuals that it is easier to slip through security
18 at that airport because it is not the main international
19 airport in Istanbul.

20 Q Turning our attention next to already admitted Exhibit No.
21 391, and if you can look to page 4, placing back on the
22 overhead a notebook found at the scene in Garland.

23 THE COURT: This is not admitted.

24 MS. BROOK: So I believe the conditional admission
25 was provided for this notebook. It was still in transit back

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1 from -- it was still in transit, so the physical notebook was
2 not admitted but foundation was laid during the witness that
3 testified about it being found there.

4 THE COURT: I thought we had a witness then come -- I
5 thought it arrived later that day and the witness came back on
6 the stand and testified about it.

7 MS. BROOK: I think you wanted the original notebook.
8 If our memory serves correctly, it was in transit and we did
9 lay foundation for this paper exhibit, which was a copy of the
10 notebook which is here.

11 So we would just move to admit and to publish so we
12 can talk about page No. 4.

13 THE COURT: So page No. 4 is a photograph of a page
14 from the notebook?

15 MS. BROOK: That's correct.

16 THE COURT: Did we admit the notebook?

17 MS. BROOK: We laid the foundation. But, again, it
18 hadn't physically arrived so we tabled the actual admission of
19 it. It's here.

20 THE COURT: What's the number on the notebook?

21 MS. BROOK: The notebook itself is not marked. This
22 was -- so this was 391. 391 was actually photographed at the
23 scene.

24 THE COURT: If you could put it on the camera so I
25 can see what we're talking about. Maybe it's-- that will --

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1 MS. BROOK: Sorry. 391 was photographed at the
2 scene. The notebook itself is not as great a resolution
3 because of the processing that happened to it at the lab,
4 although we would just ask to admit them together for
5 legibility purposes.

6 MR. MAYNARD: No objection.

7 THE COURT: 391 is admitted.

8 (Exhibit No. 391 admitted in evidence.)

9 BY MS. BROOK:

10 Q In looking at Exhibit 391, page 4, do you see one of the
11 two airports that you were just talking about a moment ago?

12 A Yes.

13 Q And which one was it?

14 A At the very top of the page it says "Sabiha Gokcen AP"
15 And I believe that's Sabiha Gokcen Airport.

16 Q I want to move on and take a step away from hijra as a
17 means of supporting the Islamic State and talk about --

18 THE COURT: It's noon though.

19 We'll take our lunch break, ladies and gentlemen, and
20 we'll reconvene at 1:15. You are reminded of the usual
21 admonitions.

22 Court is in recess until 1:15.

23 (Recess taken at 12:01 p.m.; resumed at 1:16 p.m.)

24 THE COURT: Good afternoon, ladies and gentlemen.

25 Please sit down. The record will show the presence of the

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1 jury, counsel, and the defendant.

2 Ms. Brook, you may continue your questions of Mr.
3 Kohlmann.

4 MS. BROOK: Thank you, Your Honor.

5 BY MS. BROOK:

6 Q Good afternoon. Is the audio working okay?

7 A Yes.

8 Q Perfect. All right.

9 Well, let's start back off where we left off. And I
10 want to speak for a second about the Draw the Prophet Muhammad
11 Contest. Over the break were you able to familiarize yourself
12 with more specificity about the date and the time when that
13 contest was announced?

14 A Sorry. Yes. It was February. Once again, I had
15 forgotten the date but it was definitely February.

16 Q And I want to place on the overhead what has already been
17 admitted and published.

18 And for Mr. Kohlmann's sake, it's Exhibit No. 157.

19 Your Honor, this one was actually conditionally
20 admitted. The page we're going to look at, however, I don't
21 believe there's any objection to, which is just the first
22 page.

23 THE COURT: Agreed?

24 This is 157. It's the multi-page exhibit that we've
25 spoken about and I have reserved ruling on some portions of

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1 it.

2 BY MS. BROOK:

3 Q So placing on the overhead. And if we may -- if we have
4 published for the jury Exhibit No. 157, does this refresh your
5 memory with a little more specificity about when in February
6 the contest was announced?

7 A I believe it's February 13th.

8 Q And that tweet that we're looking at, is that an initial
9 tweet by Jack Fink in regard to the event itself and the fact
10 that there was an award, a prize award, offered for the
11 winning contestant of the individual who was going to draw the
12 Prophet Muhammad?

13 A That's correct. This appears to be a -- actually from a
14 journalist or a news report on behalf of CBS in the Dallas/Ft.
15 Worth area.

16 Q Moving along, right before the break we talked about hijra
17 and the concept of traveling to the Islamic State.

18 I had asked you about when it's not possible, was
19 there anything that the Islamic State had directed.

20 And if -- you may just refresh the jury's memory
21 about what the other options were if hijrah isn't possible.

22 MR. MAYNARD: Objection. Asked and answered.

23 THE COURT: Sustained.

24 BY MS. BROOK:

25 Q Are you familiar with an individual by the name of Adnani?

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1 A Abu Mohammed al-Adnani.

2 Q Who is he?

3 A Abu Mohammed al-Adnani Ashami is the official spokesman
4 for ISIS.

5 Q And do you know when abouts he became the official
6 spokesperson for ISIS?

7 A I believe we first saw him in 2012.

8 Q As the official spokesperson, has he made any statements
9 regarding directives for followers of the Islamic State?

10 MR. MAYNARD: Objection.

11 THE WITNESS: Yes, he has.

12 MR. MAYNARD: Hearsay.

13 THE COURT: Is the next question to ask what he's
14 said?

15 MS. BROOK: Well, to understand what the directive
16 is, yes.

17 THE COURT: The objection is overruled. It's not
18 offered for the truth but what other people might hear.

19 BY MS. BROOK:

20 Q So what was it that Adnani has said to followers of the
21 Islamic State?

22 A Abu Mohammed al-Adnani Ashami has told followers of the
23 Islamic State that they have two options; either they travel
24 to Iraq and Syria to join the organization, or else they
25 should kill people in their own backyards using whatever means

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1 they have targeting the unbelievers of Islam.

2 Q When was it that Adnani declared that proclamation?

3 A Well, he said it a couple different times, but he said it
4 again in September of 2014.

5 Q And in September of 2014 when he made that proclamation,
6 how was it disseminated?

7 A It was disseminated via an official audio recording of Abu
8 Mohammed al-Adnani Ashami that was released by the official
9 media wings of the Islamic State of Iraq and the Levant.

10 And that audio recording was subsequently reported on
11 by dozens and dozens of international newspapers, television
12 programs, magazines. It was a fairly big event because it was
13 rare for the official spokesman of a major terrorist
14 organization to advise people to kill their neighbors with
15 knives and with running them over, any means at their
16 disposal. That doesn't usually come up in the context of
17 terrorist groups. This was a little unusual.

18 Q If I can turn your attention to Exhibit No. 495 and place
19 on the overhead what's been marked Exhibit No. 495, do you
20 recognize this?

21 A Yes, I do.

22 Q And what do you recognize it as?

23 A I believe this was a list of 100 U.S. military personnel
24 along with photographs and other information that was issued
25 in the spring of 2015 -- I believe March of 2015 -- by a group

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1 calling itself the Islamic State Hacking Division.

2 It purported to be personal identifying information
3 or what's known as PII about U.S. military servicemen that it
4 was disseminating to other jihadists, presumably, in order to
5 target these individuals.

6 MS. BROOK: The government moves to admit and publish
7 495.

8 MR. MAYNARD: No objection.

9 THE COURT: 495 is admitted.

10 (Exhibit No. 495 admitted in evidence.)

11 BY MS. BROOK:

12 Q In looking at this exhibit, we see underneath it written
13 the Islamic State Hacking Division.

14 Who are they, specifically?

15 A The Islamic State Hacking Division, as far as we
16 understand it, is not necessarily an official part of the
17 Islamic State. An individual has been indicted in Malaysia
18 for his role in the Islamic State Hacking Division.

19 However, it is understood that Junaid Hussain played
20 a role in the dissemination and release of this data as well.

21 Q This data, was it released on the Internet?

22 A It was, yes.

23 Q You spoke about March of 2015 and we're going to flip to
24 it the next page.

25 Specifically, what was contained within this release?

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1 A It contained the personal addresses, photographs, full
2 name and military posting of 100 U.S. military servicemen,
3 again, presumably with a goal of targeting these individuals
4 by -- targeting these individuals for either electronic or for
5 physical attack.

6 Q What was the directive set out by the Islamic State as it
7 relates to these hundred people?

8 A They should be targeted because they are soldiers of the
9 enemy.

10 Q I'm turning to page No. 2 which we have redacted in part,
11 but in looking at it, what information was contained in the
12 original release that was disseminated on the Internet by the
13 Islamic State as it relates to these hundred Americans?

14 A Well, again, it contained photographs. It contained their
15 full address. It contained their posting, their full name,
16 and other bits of information.

17 Q Turning our attention to the middle of this particular
18 page, was one of those 100 a Major Gina M. Fedoruk -- Fedoruk?

19 A Yes. Major Gina M. Fedoruk, yes.

20 Q And Major Fedoruk, was her address also listed?

21 A Yes.

22 Q And for the purpose of the record, Your Honor, I'm just
23 going to read. Was it 15206 South 31st Street, Phoenix,
24 Arizona, 85048?

25 A Correct.

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1 Q In conjunction with this case have you seen a handwritten
2 list that contains any names also listed on that particular
3 list of 100 military members?

4 A I don't recall.

5 Q Placing on the overhead --

6 A You mean the 100 U.S. servicemen? I don't recall.

7 Q Placing on the overhead what's been marked as Exhibit No.
8 496, and turning to page 2, do you have 496 before you?

9 A Unfortunately, no, I do not.

10 MS. BROOK: Your Honor, we can see if I can approach
11 the screen --

12 MR. MAYNARD: Your Honor, I'll stipulate that the
13 name that's on the notebook is the name that was --

14 THE COURT: Well, this 496 has not been admitted.
15 Are you offering it?

16 MS. BROOK: Yes. We are offering it.

17 THE COURT: Is there any objection?

18 MR. MAYNARD: No.

19 THE COURT: 496 is admitted.

20 (Exhibit No. 496 admitted in evidence.)

21 BY MS. BROOK:

22 Q And just reading there for the purposes of the record
23 Major Gina M. Fedoruk, 15206 South 31st Street, Phoenix,
24 Arizona, 85048.

25 How did this --

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1 THE COURT: And also for the record, since we didn't
2 have the person to lay the foundation, this exhibit, ladies
3 and gentlemen, is described as a page from a blue notebook
4 found at Soofi and Simpson' apartment.

5 MS. BROOK: And, Your Honor, also it came -- it's a
6 page that's been copied. The blue notebook is also listed in
7 its entirety which is 352.

8 BY MS. BROOK:

9 Q Can you explain for us --

10 THE COURT: Well, hold on. If we have 352 in
11 evidence, then I don't see why we need 496.

12 MS. BROOK: So similar to the -- or similar to the
13 pages we were talking about before with the Sabiha Goken AP at
14 the top, when processing by the lab, the pages become a little
15 distorted. And so the photographs were taken before any
16 processing was done. So for ease of readability, we just
17 submit that to the jury for them to be able to see clearly.

18 THE COURT: Okay. Thank you.

19 BY MS. BROOK:

20 Q Going back for a moment.

21 So what was the message as it relates to these
22 hundred servicemen and women?

23 MR. MAYNARD: Objection. It's been asked and
24 answered.

25 THE COURT: Sustained. Sustained.

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1 BY MS. BROOK:

2 Q As we're grabbing the physical exhibit, I want to turn our
3 attention to a book entitled Defense Of The Muslim Lands.

4 That particular publication, was it relevant or
5 significant in your analysis in this case?

6 A Yes.

7 Q And how so?

8 A It was significant in the sense that the author of the
9 book is arguably known as the godfather of modern jihad, of
10 contemporary jihad, and was responsible for the fact that
11 foreign fighters first went to Afghanistan in the 80s to begin
12 with. He was the father of this entire movement.

13 Q So placing on the overhead what's already been admitted as
14 Government's Exhibit No. 67 found at the scene in Garland, of
15 course, difficult with the resolution, so you were speaking
16 about the author of Defense Of The Muslim Lands. And tell us
17 more about Shaykh Abdullah Azzam.

18 A Sure. Shaykh Abdullah Yusuf Azzam was a Palestinian
19 cleric with a very strong belief in violent jihad.

20 During the 1980s he embarked upon a worldwide
21 campaign to raise money and recruit followers to travel to
22 Pakistan and to join the mujahideen in Afghanistan and fight
23 against Communist-backed forces in Afghanistan.

24 However, for Azzam, the idea was not merely to,
25 quote/unquote, liberate Afghanistan. The idea was to use this

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1 opportunity to build an Islamic State that would end up with
2 the liberation of Islamic lands across the Middle East, most
3 importantly, Palestine, the homeland of Mr. Azzam.

4 In order to carry out this, Azzam recruited several
5 individuals to serve as his righthand men. One of his top --
6 one of his top lieutenants, one of his top affiliates, was
7 Osama bin Laden.

8 Osama bin Laden credited Azzam with having imbued him
9 with the ideas of jihad and the desire to participate. Azzam
10 assisted in the formation of al-Qa'ida. However, in 1989,
11 less than a year after al-Qa'ida was formed, Azzam was killed
12 in a car bomb -- most likely a car bomb that was set by
13 dissident al-Qa'ida members who disagreed with his philosophy.

14 Q Is this book Defense Of The Muslim Land significant to
15 homegrown violent extremists?

16 A Defense Of The Muslim Lands is arguably one of, if not the
17 most famous, book ever written by Azzam. The book itself
18 explains the logic behind why individuals should join the
19 mujahideen in Afghanistan and elsewhere, the necessity to
20 liberate Muslim lands by force, by violent jihad.

21 There are a lot of key concepts that are laid down
22 here that continue to be echoed by a variety of different
23 groups. And, in fact, Azzam himself, even long after his
24 death, continues to be featured in both al-Qa'ida and ISIS
25 propaganda videos.

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1 Q So specifically, how does ISIS view Abdullah Azzam?

2 A They view him more or less the same way everyone else
3 treats him, which is that despite any ideological
4 disagreements that might exist, they treat him as the
5 godfather of modern jihad.

6 They treat him as someone who pioneered the concept
7 of fighting against the West. They treat him as someone who
8 pioneered the concept of the modern mujahideen movement. And
9 without him there would be no al-Qa'ida. There would be no
10 ISIS.

11 Q Before we move along, I want to place on the overhead
12 Exhibit No. 351, already admitted, as the handwritten list
13 that Elton Simpson handed to Waseem -- or wrote for Waseem
14 Hakeem (sic) -- on May 1st. In looking at this list, do you
15 see Azzam?

16 A I'm sorry. What exhibit number is that?

17 Q 351.

18 A I have a different Exhibit 351.

19 MS. BROOK: May I once again just approach?

20 THE COURT: Yes.

21 THE WITNESS: Um, honestly, I can't read that
22 document.

23 Oh, now I can. Now I can. Just hold it up. Hold it
24 steady. Sorry. Keep going. I'm sorry. I can't really. I
25 can only read it for seconds.

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1 I have seen that document before and I recognize it
2 that Azzam's name is on there, but I can't read it right now.

3 MS. BROOK: Your Honor, perhaps for ease as we're
4 going to talk about this document over the next course of the
5 witness's testimony, we could perhaps, electronically, if I
6 could just inquire of somebody from our office who might be
7 able to electronically transmit it to Mr. Kohlmann so it's
8 available for him.

9 THE COURT: That would be fine.

10 BY MS. BROOK:

11 Q You mentioned that in seeing that document before you did
12 see his name on it?

13 A I did at the time when I saw it previously, I did, yeah.
14 I couldn't read it that well just now though.

15 Q I want to move along and talk about Anwar al-Awlaki.

16 And as we do, I'm going to turn your attention to
17 some text strings, first starting with 488 and 489. If you
18 could just look at those text strings for a moment.

19 Placing on the overhead the text strings from the
20 Acer first, 488. And, Mr. Kohlmann, do you see them on your
21 computer?

22 A Yes, I do.

23 Q Perfect. And next I'm going to put on it 489 and then
24 we're going to talk about them together.

25 A Okay.

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1 Q Were these text strings of significance in your evaluation
2 in this case?

3 A Yes.

4 Q How so?

5 A These text strings, number one, appear to reflect someone
6 either browsing or downloading audio recordings of Shaykh
7 Anwar al-Awlaki, including but not necessarily limited to, The
8 Life of Muhammad, the Makkan Period.

9 As well as that the lectures themselves appear to be
10 downloaded from two locations, one of which is known as the
11 website -- the website is known as Hoor-al-ayn.com.

12 "Hoor-al-ayn" is an Arabic expression or Islamic
13 expression referring to the Virgins of Paradise.

14 Q And Hoor-al-ayn.com, is that a website that you have
15 become familiar with in your line of work?

16 A Yes, it is.

17 Q What type of information is published on that particular
18 website?

19 A Hoor-al-ayn.com is a website that was set up to
20 disseminate audio recordings by particular very, very
21 conservative salafi Muslim clerics, principally among them,
22 Anwar al-Awlaki.

23 Q So break that down. Conservative salafi cleric. What
24 does that mean?

25 A Sure. Within Islam there are a variety of different

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1 sects, just like within Christianity you have Protestants and
2 you have Catholics and whatnot.

3 Within Islam you have shiites and you have sunnis.
4 And then even within that split you have people that follow
5 different schools of belief.

6 One of the schools of belief in sunni Islam is known
7 as "salafism." Salafism preaches a return to the essential
8 parts of the faith.

9 When we talk about fundamentalism, salafism is
10 fundamentalism. It talks about throwing off all of the
11 materials that have been accumulated over years and going back
12 and practicing Islam exactly as it was practiced or as close
13 as possible to as it was practiced at the time of the Prophet
14 Muhammad.

15 Now, salafis tend to be very conservative and very
16 strict in their religious beliefs. Not all salafis are
17 violent. However, most jihadists, most sunni jihadists are
18 either salafis or a derivation of the salafi school.

19 Q Before we move along and talk more specifically about
20 Anwar al-Awlaki, I want to turn your attention to Exhibit No.
21 491. And I'm placing on the overhead 491 which has already
22 been admitted and published.

23 Do you have it there?

24 A Yes.

25 Q Turning our attention to the bottom part of that

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1 particular page where it says: "User: git." And then it
2 refers to certain line bits.

3 Do you see Anwar al-Awlaki's name listed there?

4 A Yes.

5 Q You mentioned before the Makkan Period and that being of
6 significance.

7 What is that?

8 A The Makkan Period is a -- basically, Anwar al-Awlaki is
9 known for particular audio sermons that he has recorded. One
10 of those sermons, it's a multi-part sermon, very in depth on
11 the life of the Prophet Muhammad.

12 The sermon is divided between two periods of the
13 Prophet's existence; the Makkan Period and the Medinan Period.

14 This is the Makkan Period -- or this is an audio
15 recording containing the Makkan Period.

16 Q So Anwar al-Awlaki, is he admired by violent jihadists?

17 A Well, he's deceased; but, yeah, he's extremely popular
18 amongst jihadists because he, at the time of his death and
19 prior to that, he was arguably one of the, if not the most
20 prominent salafi jihadi cleric on Planet Earth.

21 Q And as such, is al-Awlaki significant to those people who
22 support and follow the Islamic State?

23 A Yes. Even though Mr. Al-Awlaki was associated with
24 al-Qa'ida and not the Islamic State, because of the fact that
25 he died -- or he was killed before ISIS and al-Qa'ida began

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1 openly feuding -- al-Awlaki continues to be respected and
2 treated with respect by individuals associated with the
3 Islamic State.

4 And while he was alive, he had nothing but good
5 things to say about what was going on in Iraq.

6 Q We're going to talk more specifically about Anwar
7 al-Awlaki as we progress. I want to hone in on one lecture in
8 particular, and that's Constants on the Path of Jihad.

9 Was that one of his lectures?

10 A Yes.

11 Q What was that about?

12 A It's -- Constants on the Path of Jihad in Arabic it's
13 known as "Thawaabit ala darb al Jihad." It originally was
14 adapted from -- it was adapted by al-Awlaki from an original
15 Arabic language recording that was created by the founder of
16 al-Qa'ida in Saudi Arabia. Al-Awlaki took that recording and
17 took that book and made his own English language version out
18 of it.

19 Constants on the Path of Jihad has a very, very
20 simple message. The message is is that you do not wait to
21 have a good leader to wage jihad. You do not wait until you
22 get to Iraq or Syria to wage jihad. You do not wait until you
23 have other people who are willing to join alongside you to
24 wage jihad.

25 If you believe in these ideas, wherever you are, it's

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1 your obligation to wage violent jihad. There are no borders.
2 There are no limits. It's your obligation, regardless of
3 where you are or who you are.

4 And that is, again, it's -- that was a major -- it
5 was a major move forward in this ideology, a major push
6 forward. And it had a tremendous impact, particularly on
7 people who were outside of these groups, in other words,
8 homegrown violent extremities.

9 Q Are you familiar with that particular lecture Constants on
10 the Path of Jihad being recovered in this particular case?

11 A Yes.

12 Q That sermon, was it in English?

13 A Well, again, the original version in Arabic was given by
14 the leader of al-Qa'ida in Saudi Arabia. The more famous
15 version of it is the English translation by Anwar al-Awlaki
16 which, again, is entirely in English.

17 Q Do you know whenabouts it was released?

18 A Yes. It was released in 2005.

19 Q And I'm placing on the overhead Exhibit No. 279 already
20 admitted.

21 Mr. Kohlmann, in looking at the exhibit you have
22 before you, if you can scroll to 279, is that the Constants on
23 the Path of Jihad that we have been referring to?

24 A Yes. And you can see here, it specifically says Constants
25 on the Path of Jihad by Shaykh Yusuf al 'Uyayree.

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1 Yusuf 'Uyayre was the founder of al-Qa'ida in Saudi
2 Arabia. And below that it says: Lecture series delivered by
3 Imam Anwar al-Awlaki.

4 Q Is this lecture one that is significant to the followers
5 of the Islamic State?

6 A It's -- it's significant -- it's extremely significant to
7 followers of violent jihad across the spectrum. Anyone who is
8 a salafi jihadist, this has a tremendous amount of impact
9 for -- especially if they speak English.

10 Q How was it that Anwar al-Awlaki died?

11 A Anwar al-Awlaki died on September 30, 2011, in a U.S.
12 drone strike in Yemen.

13 Q And in his death, how do violent extremists see Anwar
14 al-Awlaki?

15 A Violent extremists treat Anwar al-Awlaki as what they call
16 a shahid. "Shahid" in Arabic means "martyr."

17 They believe that he was martyred fighting on the
18 battlefield with the United States. They treat him as an
19 honored individual and is someone, again, who put his money
20 where his mouth was.

21 Q I want to show you Exhibit No. 490 already admitted from
22 the Acer computer. As you look at Exhibit No. 490, does it
23 show another website that you're familiar with?

24 A Yes.

25 Q And what website is that?

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1 A This is a website known as Kalamullah.

2 K-A-L-A-M-U-L-L-A-H. Kalamullah.com.

3 Q And is Kalamullah.com a website that is significant to
4 violent extremists?

5 A Yes.

6 Q How so?

7 A Kalamullah is very, very similar, if not directly
8 analogous, to the other website I discussed previously
9 Hoor-al-ayn.com.

10 This is a website set up to disseminate primarily
11 audio recordings and other sermons issued by very
12 conservative, some would say, extreme salafi clerics including
13 most prominently Anwar al-Awlaki.

14 Q I want to ask you about the Al Mojahden Electronic
15 Network. Are you familiar with that?

16 A Yes.

17 Q And what is it?

18 A Yes.

19 Q What is it?

20 A The Al Mojahden -- the Al Mojahden Electronic Network is a
21 now-defunct Arabic and English-language jihadi discussion
22 forum that was existing primarily, I believe, between about
23 2009 and 2012.

24 It was one of the forums online that allowed
25 jihadists to come along, to disseminate official media from

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1 groups like the Islamic State and from al-Qa'ida, and allowed
2 individuals to chat.

3 It was unusual in the sense that it was one of the
4 very few discussion forums of that type that had an active
5 English-language component to it. They also published their
6 own media or republished their own media as well as having a
7 forum.

8 Q And based upon your review of the Acer computer, the
9 string sites that we've been talking about, was that network
10 one that was reviewed on the Archive.org page that you have
11 seen?

12 MR. MAYNARD: Objection to the form of the question.

13 I don't think he has ever testified he reviewed the
14 Acer computer. I think he said he's reviewed documents that
15 have been provided to him.

16 THE COURT: Restate your question, please, Ms. Brook.
17 BY MS. BROOK:

18 Q In reviewing documents related to the Acer computer and
19 its analysis and also the string site exhibits that you have
20 spoken about, was that particular network one that was
21 accessed?

22 A Yes. It did appear that there was evidence that someone
23 had downloaded Anwar al-Awlaki recordings that were
24 specifically uploaded and published on the Internet archive by
25 the Al Mojahden Electronic Network.

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1 Q I want to talk a little bit about big-picture significance
2 with Anwar al-Awlaki.

3 And can you explain the significance that he played
4 in the Nidal Hasan mass shooting at Ft. Hood?

5 MR. MAYNARD: Objection. Relevancy.

6 THE WITNESS: Yes.

7 THE COURT: Hold on.

8 MR. MAYNARD: Relevancy.

9 MS. BROOK: And, Your Honor, it pertains directly to
10 the January 3rd tweet where Simpson was discussing with Miski
11 that individual.

12 THE COURT: Sustained.

13 I'm sorry. I meant the other way. Overruled.

14 BY MS. BROOK:

15 Q Please.

16 A Yes. Major Nadal Malik Hasan carried out a massacre of
17 U.S. military personnel at Ft. Hood, Texas.

18 Prior to carrying out that massacre, Mr. Hasan
19 contacted Anwar al-Awlaki via e-mail, expressed his support
20 and admiration for al-Awlaki, and asked for his advice in what
21 to do next.

22 After the Ft. Hood massacre, Mr. Al-Awlaki issued
23 multiple statements through the official media wing of
24 al-Qa'ida in Yemen in which he directly took credit for the
25 Ft. Hood massacre.

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1 He called Major Hasan his student and he indicated
2 that others should follow in the footsteps of Major Hasan and
3 that he was very proud of what Major Hasan had done.

4 Q Was Major Hasan another homegrown, violent extremist?

5 A Yes. Major Hasan did what he did without receiving any
6 direct orders from any terrorist organization.

7 Q I want to turn our attention to Exhibit No. 164.

8 Are you familiar with a lecture known as The Battle
9 of Hearts and Minds?

10 A Yes, I am.

11 Q Placing on the overhead what has already been admitted as
12 Exhibit No. 164, the search history from the Lenovo laptop.

13 In looking at Exhibit No. 164, what do you see?

14 A This appears to be text string information relating to
15 searches on the YouTube video streaming service. Someone
16 looking for the search terms battle+of+hearts+and+minds+anwar.

17 And then someone going ahead and viewing multiple
18 pieces or multiple sections of the Anwar al-Awlaki recording
19 Battle of Hearts and Minds on YouTube.

20 MS. BROOK: And, Your Honor, placing on the overhead
21 what has already been admitted as Government's Exhibit No. 390
22 which is the full lecture of the Battle of Hearts and Minds
23 found in Elton Simpson's Infinity.

24 BY MS. BROOK:

25 Q Who gave this lecture?

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1 A It's a lecture by Anwar al-Awlaki.

2 Q And when was it released?

3 A This was released in 2008.

4 Q What was this particular lecture a response to?

5 A This lecture was a response to a number of attempts by the
6 U.S. Government and by others to promote a view of moderate
7 Islam and to promote a view of Islam that did not necessarily
8 feature violent jihad.

9 Anwar al-Awlaki issued this audio recording in which
10 he described that there was a battle taking place for the
11 hearts and minds of young Muslims and that America and its
12 allies were attempting to delude Muslims into thinking that
13 violent jihad was not an essential part of their faith.

14 Anwar al-Awlaki went on in his audio recording to
15 heap praise upon the youth in the West, young people living in
16 the United States, who had stood fast against the drive
17 towards moderate Islam and who had held fast to particular
18 controversial tenants of Islam that were being sidelined by
19 moderates, particularly violent jihad.

20 Q What was the effect of this lecture?

21 A The effect of this lecture was to undermine efforts by
22 NGOs, the U.S. Government, by moderate Muslims, and by others
23 to try to convince young Muslims that there is no place,
24 essential place for violence in religion.

25 MS. BROOK: Your Honor, the Government has admitted

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1 in full Exhibit No. 390 which is the CD. However, we have
2 excerpted a small portion for the jury to listen to so they
3 don't have to hear the whole lecture and that's at 493.

4 So at this point we would just move to play that.

5 THE COURT: Go right ahead.

6 MS. BROOK: We're having some technical difficulties.
7 So as we work to fix it, and I misspoke, I think the excerpt
8 as well as 390, so it appears on the screen.

9 I'm going to move on. And then if we get that part
10 figured out, we will come back to it.

11 BY MS. BROOK:

12 Q Are you familiar with another lecture by the title of The
13 Dust Will Never Settle Down which was found on --

14 A Yes.

15 Q Yes?

16 A Sorry. I didn't mean to interrupt.

17 Q No. That's okay.

18 -- found on Nadir Soofi's desktop computer and
19 already admitted into evidence as 271.

20 A Yes. I'm familiar with that audio recording.

21 Q Who released that particular audio recording?

22 A Sure. The Dust Will Never Settle Down was issued by Anwar
23 al-Awlaki in 2008 when he had already left the United States
24 and was living in Yemen.

25 Q And I want to speak specifically about the content of this

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1 particular al-Awlaki lecture.

2 What was this particular lecture a response to?

3 A This lecture specifically was a response to a variety of
4 different incidents that Muslims, including Anwar al-Awlaki,
5 regarded as blaspheming or blasphemy against the Prophet
6 Muhammad; attacks, criticism, et cetera, for nonMuslims
7 against the Prophet Muhammad.

8 According to Anwar al-Awlaki, there is clear
9 precedent in the jurisprudence of Islam that those who insult
10 the Prophet Muhammad should be executed.

11 And there is no need for any specific additional
12 ruling beyond that. Anyone who sees this, according to
13 al-Awlaki, should understand that these people are immediately
14 in line to be executed.

15 And so Anwar al-Awlaki said to those insulting the
16 Prophet: You keep creating these big clouds of dust by doing
17 this, and the dust will never settle down and that we'll come
18 after you.

19 And sure enough, this audio recording had a
20 tremendous impact, had a tremendous impact, particularly among
21 Muslims living in Western countries. One individual by the
22 name of Zachary Chesson took this audio recording and issued a
23 threat to the creators of South Park.

24 The creators of South Park had issued an episode in
25 which they showed someone wearing a bear suit that they

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1 referred to as the Prophet Muhammad.

2 So Zachary Chesser, a convert to Islam, issued a
3 death treat to the creators of South Park. And in the end his
4 final line was: Just remember the dust will never settle
5 down.

6 Q Just for clarification, the blasphemy that you were
7 talking about that al-Awlaki spoke of in terms of statements
8 or things related to the Prophet Muhammad, did it include
9 offensive political cartoons or other drawings of the Prophet
10 Muhammad?

11 A The primary significance was the cartoons that had been
12 drawn in Denmark, in Sweden, and in France, lampooning the
13 Prophet Muhammad.

14 Q And in this particular lecture did he mock how certain
15 individuals have responded to that type of conduct?

16 A Yes. He specifically said: Those that give protests or
17 those that peacefully protest or those that complain without
18 taking violent action, those people are following the
19 philosophy of Gandhi and in the words of Anwar al-Awlaki, "We
20 are not followers of Gandhi."

21 Q Did al-Awlaki encourage his supporters to take matters
22 into their own hands as a form of response or action to this
23 type of conduct?

24 A Yes. He specifically urged them to execute anyone
25 insulting the Prophet, and specifically said you don't need

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1 any other opinion other than this.

2 Q This particular lecture, was it in English?

3 A Yes.

4 MS. BROOK: May I have a moment?

5 Your Honor, we have the entirety of 271 in evidence.

6 I'm going to move to play an excerpted component of 271.

7 THE COURT: This is an excerpt from The Dust Will
8 Never Settle Down?

9 MS. BROOK: Correct.

10 THE COURT: You may.

11 (Excerpt of Exhibit No. 271 played for the jury.)

12 BY MS. BROOK:

13 Q Mr. Kohlmann, the last recording was speaking about
14 walking into a hornets' nest and the dust will never settle
15 down.

16 Can you put that in context for us? What did that
17 mean?

18 A The context is that anyone who thinks that they can insult
19 Islam or the Prophet Muhammad and get away with it scot-free
20 is only deluding themselves.

21 And anyone who does that is going to make themselves
22 an immediate target for all true believers in the faith, at
23 least as far as Anwar al-Awlaki is concerned. When he says "a
24 hornets' nest," he's referring to the idea that there are lots
25 of people out there who may not necessarily be named

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1 al-Awlaki, who are still willing to follow these proscriptions
2 because they believe in this so strongly.

3 MS. BROOK: Let me check to see if we can play 390
4 yet. We will come back to it if we can get it up and working.

5 BY MS. BROOK:

6 Q I'm going to move along to already-admitted Exhibit No.
7 177. Are you familiar with another lecture by the name of To
8 Make It Known and Clear to Mankind and Not To Hide It?

9 A Yes.

10 Q Placing on the overhead what has already been admitted,
11 that lecture which was found on the 2 gigabyte drive inside
12 the Lenovo laptop in 2012. Well, let's start at the top.

13 The Global Islamic Media Front, who are they?

14 A The Global Islamic Media Front is an online jihadi media
15 logistics outfit. They both produce their own media as well
16 as they also courier media on behalf of a variety of different
17 organizations onto the Internet.

18 What do I mean by "courier"? They are solely
19 responsible for posting every single official communique and
20 video from particular terrorist groups that they are
21 affiliated with, most notably, al-Shabab in Somalia.

22 So if you look at every single communique or video
23 being released, they are the ones that are physically
24 uploading it, posting it, formatting it, and they have their
25 little logo on it.

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1 Q So to place us historically in context, back in 2012 did
2 the Islamic State, as it's currently defined, exist as the
3 Islamic State?

4 A In 2012? No.

5 Q Okay. And so we have talked about predecessor
6 organizations. Were any of those predecessor organizations
7 associated with the Global Islamic Media Front?

8 A I'm sorry. I didn't catch the question.

9 Q Sorry. Were any of the Islamic State's predecessor
10 organizations associated with the Global Islamic Media Front?

11 A Actually, yes. At least one faction that eventually
12 became part of the Islamic State actually was releasing
13 material directly through Global Islamic Media Front and the
14 GIMF even offered fans of that group a contest in which, if
15 they won the contest, they could remotely fire rockets at a
16 U.S. military position in Iraq.

17 Q So this essay, who wrote it?

18 A It actually was a video. It was originally a video. This
19 is a transcription, I believe, but it was originally a video.
20 It's a video of Shaykh Anwar al-Awlaki and it was a video
21 released in November of 2010.

22 Q And this video, was it a response to anything?

23 A Yes. It was a response to -- again, it was a response to
24 clerics saying that, you know, talking about moderate Islam
25 and talking about the idea that you can't kill -- you can't

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1 kill people willy-nilly. You have to have a real
2 justification for it and, you know, violent jihad has limits.

3 Q So more -- the more conservative base was preaching the
4 idea of killing only if there's a justified basis?

5 A Or avoiding killing at all. But, yes, there are plenty of
6 clerics that don't believe what Anwar al-Awlaki believed and
7 Anwar al-Awlaki's response in this video was: Do not consult
8 anyone in terms of killing the Americans. Fighting Satan does
9 not require any specific theological ruling.

10 Q And I have placed on the overhead the last page of the
11 already-admitted exhibit. And you were referring to a
12 specific subsection of that video which has been transcribed
13 here as the exhibit for the jury.

14 Specifically, as it relates to killing Americans,
15 what did Anwar al-Awlaki state in this particular video?

16 A Yes, sure, verbatim:

17 Do not consult with anyone in killing Americans.
18 Fighting Satan does not need any religious verdict,
19 consultation, or prayer for guidance in decision making. They
20 are the party of Satan. Fighting them is the obligation of
21 the time. We have reached the stage where it's, quote, either
22 us or them. We are two opposites which can never co-exist.
23 They seek something which can never come to be unless we are
24 annihilated. It's a decisive battle. It's the battle of
25 Moses and Pharaoh. It's the battle of truth and falsehood.

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1 Q Lastly, on the subject of Anwar al-Awlaki, I want to turn
2 to already-admitted Exhibit 182, The Slicing Of The Sword,
3 that was found on the 2 gigabyte flash drive.

4 Are you familiar with this, The Slicing Of The Sword?

5 A The Slicing Sword, yes.

6 Q And -- I'm sorry. The Slicing Sword. I put an extra
7 "the" in it. The Slicing Sword.

8 Who wrote it?

9 A You mean what is this?

10 Q Yes.

11 A Sorry. The Slicing Sword is an English translation of a
12 historical document from Islam or a historical retelling from
13 Islam about individuals in the southern Arabian Peninsula
14 fighting against the early colonial vestiges of the West.

15 And the idea here in this book is -- or the concepts
16 of this pamphlet, this book, is the concept known as al-wala
17 al-bara. "Al-wala al-bara" means "loyalty in Muslims above
18 all else."

19 In other words, if you have a choice between allying
20 yourselves with the West or you have a choice between allying
21 yourselves with a Muslim, you are obliged to ally yourselves
22 to the Muslim first, loyalty to Muslims, friendship to
23 Muslims, everyone else comes second.

24 Q When was this released --

25 A Just as a note -- I'm sorry. I have been handed a copy of

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1 the list of individuals that we were talking about previously.

2 Q Excellent. So that's exhibit sheet 351?

3 A Correct. Yes. Sorry.

4 Q No. That's okay. Just for your reference if we talk
5 about it again.

6 We left off with this particular item and when was it
7 released.

8 A Well, originally -- the original text was written in
9 Arabic, I believe, several hundred years ago. But this
10 English translation with a Forward from Anwar al-Awlaki, I
11 believe, was released in 2008.

12 Q I want to turn specifically to that Forward written by
13 Anwar al-Awlaki. Is that Forward significant in your findings
14 in this case?

15 A Yes.

16 Q I'm going to place on the overhead the Forward and I'm
17 going to ask you to read it to us.

18 A Sure. Let me know when you're ready.

19 Q We're ready.

20 A Okay. This is Shaykh Anwar al-Awlaki's Forward. Quote:

21 This book, "The Slicing Sword" represents the answers
22 given by Shaykh Abd Allah Abd al Bari al Ahdal to questions on
23 the topic of Hijra, i.e., migration for the sake of Allah, and
24 al-wala and al-barra -- in parenthesis -- loyalty to Allah and
25 disavowal of the enemies of Allah. The importance of this

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1 book lies in the fact that the situation that the Shaykh was
2 faced with is similar to our circumstances today which gives
3 relevance to his answers. Aden was occupied by the British in
4 1837 and the author died around 1854. So his time was one in
5 which the power of the Ottoman Khilafah was warned while the
6 Western powers were on the rise. Therefore, this was a time
7 when there were some Muslims who were replacing their pride in
8 being Muslim and being subjects of Muslim rule with being
9 subjects of Western occupiers and sailing under Western flags.

10 Should I continue?

11 Q Well, as it relates to the Islamic State, is this
12 particular Forward and the message contained in it
13 significant?

14 A It's significant, honestly, to anyone who is a violent
15 jihadist, yes. This book appears very frequently in the juris
16 prudence of English-speaking jihadists. Even though it's an
17 historical document and even though it's referring to events
18 that took place in the 19th Century, the central lesson here
19 is not about the history.

20 The central lesson is rejection of Western values,
21 fighting against the West, joining with other Muslims to fight
22 against the West. Those are the central values that are being
23 promoted here in this book and by Anwar al-Awlaki. And
24 that's, again, the reason for that title "The Slicing Sword."

25 Q And you have now before you 351 which I'm going to put

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1 back on the overhead already admitted.

2 I had asked you earlier if you saw Azzam's name on
3 that list. And now that you have it before you, do you?

4 A Yes, I do.

5 Q And Anwar al-Awlaki who we have been talking about, do you
6 see him?

7 A Yeah. he's on there as well, directly above Shaykh
8 Abdullah Azzam.

9 Q I want to turn our attention back to Exhibit No. 491 which
10 has already been admitted and I want to pull it up to now talk
11 about the top part of it.

12 As you look at that exhibit, was it relevant in the
13 analysis you did in this case?

14 A Yes.

15 Q Why so?

16 A These text strings appear to show someone visiting,
17 browsing, and downloading lectures given by Shaykh Anwar
18 al-Awlaki and by Shaykh Abdullah al-Faisal al-Jamaiki.

19 Q Let's speak specifically for a moment about Shaykh
20 Abdullah al-Faisal.

21 Placing on the overhead what has already been
22 admitted Government's Exhibit No. 98, 99, 100, and 101, CDs
23 found at Simpson and Soofi's residence, did Faisal have
24 anything to do with the Devil's Deception?

25 A That actually is one of his audio recordings, yes. The

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1 Devil's Deception of the Saudi Salafis and the Devil's
2 Deception of the Shias.

3 Q So let's rewind back to the beginning.

4 Who is Shaykh Faisal?

5 A Shaykh Abdullah al-Faisal is a Jamaican national who
6 trained in Islam in Saudi Arabia. Upon leaving Saudi Arabia,
7 Shaykh Faisal, instead of going to Jamaica, went to the United
8 Kingdom where he began preaching to groups of followers in the
9 UK, predominantly Muslim converts and other English-speaking
10 Muslims, because, again, Shaykh Faisal speaks English.

11 In 2005, Shaykh Faisal got in a lot of trouble in the
12 United Kingdom and was convicted in a court of inciting his
13 followers to kill Hindus and Jews.

14 And at that point Shaykh Abdullah al-Faisal was
15 expelled from the United Kingdom and he apparently returned to
16 Jamaica.

17 Shortly thereafter, Shaykh Faisal was once again
18 arrested, this time in Kenya, allegedly for attempting to join
19 the al-Shabaab Terrorist Organization in Somalia. He was once
20 again expelled and apparently returned to Jamaica.

21 He continues to reach out and speak to his followers
22 via primarily the Internet, via technologies that include the
23 Worldwide Web as well as proprietary software packages like
24 Pal Talk.

25 Shaykh Faisal is generally regarded as one of the

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1 most extreme salafi jihadi clerics of the last 30 years.

2 Q So along those lines, is he important to homegrown violent
3 extremists?

4 A He is exceptionally important because he's one of only a
5 handful of such clerics that speak English natively and
6 fluently. All of his audio sermons are in English.

7 He specifically lectured and taught people
8 face-to-face in the United Kingdom. And he's been a very
9 prominent figure amongst homegrown violent extremists in both
10 the UK and the United States, going all the way back to 1997.

11 Q How does he feel about the Islamic State?

12 A He's a big fan of it. He's a big supporter of it. He
13 thinks they're great.

14 Q Is he an effective recruiter for violent extremists?

15 A He's effective in the sense that he has a very good basis
16 in the fundamentals of Islam. He learned Islam in Saudi
17 Arabia from true scholars. He speaks English perfectly
18 fluently. And he is a very charismatic individual. And he is
19 very extreme. He is very, very on the far end of extremism.

20 He is so extreme that some other salafi jihadi
21 clerics don't even like him. Some of them think he's a
22 fanatic.

23 Q Can you explain that?

24 A Yeah. In his audio recordings he says things that even
25 other salafi jihadi clerics blanch at. He issued one audio

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1 recording in which he ordered his followers to, quote, "make
2 the earth warm with blood," which is not something that most
3 clerics, even jihadi clerics, are big fans of.

4 Q Does he hold great appeal for people who are well schooled
5 in Islam?

6 A No. I would say most people who have a good background
7 and good credentials in Islam would never follow someone like
8 Shaykh Abdullah al-Faisal because, explicitly, he is known as
9 a fanatic.

10 Q So who is his main following?

11 A His main following are English-speaking Muslims living in
12 Western countries, most of whom are converts and most of whom
13 have had no real contact with any kind of formal Islamic
14 education or formal Islamic study outside what they have been
15 exposed to by Shaykh Faisal and his cronies.

16 Q What is the Declaration of War?

17 A The Declaration of War was an audio sermon issued by
18 Shaykh Abdullah al-Faisal in which Shaykh Faisal takes the
19 original Declaration of War against the United States by Osama
20 bin Laden, the founder of al-Qa'ida, and goes through that
21 Declaration of War line by line endorsing the declaration line
22 by line and justifying the Declaration of War line by line.

23 Q And whose Declaration of War was it?

24 A It was the Declaration of War by Osama bin Laden against
25 the United States and its allies.

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1 Q And did you find string sites to that in this case?

2 MR. MAYNARD: Objection to the form.

3 THE WITNESS: Yes.

4 MR. MAYNARD: Again, he hasn't testified that he has
5 searched any of these exhibits. He was given documents by the
6 FBI.

7 THE COURT: It's the form of the question, Ms. Brook.

8 BY MS. BROOK:

9 Q Based upon what you have seen, have you seen any reports
10 about Declaration of War in this case?

11 A Yes. I saw reports, including text strings, which
12 included both -- included multiple parts of the Declaration of
13 War audio lecture in MP3 audio format.

14 Q I want to turn our attention next to Shaykh Nasir Bin
15 Hasmad al-Fahad. And I'm going to place on the overhead
16 Exhibit No. 176 which is already admitted. This exhibit
17 admitted off of the 2 gigabyte flash drive.

18 Have you seen this before?

19 A Yes.

20 Q And can you describe it for us. What's it about?

21 A Sure. Shaykh Nasir Bin Hamad al-Fahad is a Saudi cleric.
22 This particular fatwah -- this is a fatwah -- religious edict
23 that he issued -- this religious edict justifies the use of
24 weapons of mass destruction against the United States.

25 In this particular fatwah Shaykh al-Fahad specifically

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1 states that if al-Qa'ida or another group detonated a bomb
2 inside the United States that killed 10 million people, that
3 would still be more than justified and no further rulings
4 would be necessary.

5 Q Justified because of what?

6 A Justified because according, in the view of Shaykh Nasir
7 al-Fahad, the West has done far more damage to the Muslim
8 world and this would be not even close to partial retribution.

9 Q Did this essay endorse any other concepts that were
10 significant to you?

11 A Well, again, it endorsed the use of not just a bomb, but
12 particularly weapons of mass destruction; chemical,
13 biological, and radiological weapons.

14 And, in fact, this fatwah was one of a line, a series
15 of fatwahs, similar fatwahs issued by Shaykh al-Fahad. He
16 also justified the 9/11 attacks against the United States.
17 And he was eventually caught by the Saudi Arabian government
18 conspiring with al-Qa'ida in Saudi Arabia to assassinate then
19 President George W. Bush.

20 Q And he justified that as well?

21 A He said to an American al-Qa'ida operative recruited for
22 the mission that he wanted that above all else, to kill Bush.

23 Q When was this particular treatise released?

24 A This treatise was released within a few months after 9/11,
25 I believe, in late 2001 or early 2002.

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1 Q And is this treatise something that's significant to
2 followers of the Islamic State?

3 A Once again, I think this treatise is significant to
4 followers, all violent jihadist followers. I mean, Shaykh
5 Nasir al-Fahad was a very senior cleric, a very well-respected
6 cleric in Saudi Arabia, was someone who both the government
7 and al-Qa'ida respected. This is a guy with tremendous
8 religious credentials who is known as a paragon of jihadi
9 thought and ideas.

10 Anyone who is a violent jihadist would likely find
11 these ideas and this fatwah to have a tremendous amount of
12 importance.

13 Q I want to move forward and talk about the Labayk Media
14 Foundation. And before I do, I want to grab a couple of
15 exhibits.

16 I'm placing on the overhead -- we're first going to
17 talk about 167 and then progressively we're going to talk in
18 short order about 168, 169, and 170.

19 So placing on the overhead already-admitted Exhibit
20 No. 167 which was the browser history from the Lenovo laptop
21 back in 2012 discussed this morning, I'm going to -- if you
22 can go ahead and look at 167 -- I'm sorry -- yeah -- 167
23 through 170.

24 And I'm going to put them up one at a time. So
25 that's 167, already admitted; 168, already admitted, 169, and

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1 170. What do these four search histories reveal a search for?

2 A These appear to show that on May 3rd, 2012, at
3 approximately 7:09 a.m. possibly, an individual using YouTube
4 ran a search for the terms Mujahideen+Bagram+escape.

5 And after running a search for those terms, then
6 selected one of those results to watch and viewed that video.
7 And that video was titled Escape From Bagram Prison, Part One,
8 as well as Part Two.

9 Q So what is the Escape From Bagram? Are you familiar with
10 it?

11 A Yes.

12 Q And is it -- well, describe it for us. What is it?

13 A Sure. This video was originally released by an al-Qa'ida
14 propaganda outfit known as Labayk Media. It was released in
15 2005.

16 It was an extremely important video because of the
17 fact that it showed and told the story of how a number of
18 extremely high-ranking al-Qa'ida leaders, some of al-Qa'ida's
19 most important leaders in Afghanistan, had managed to escape
20 from the highly secured U.S. military prison at Bagram Air
21 Base in Kabul, Afghanistan. Some of these individuals ended
22 up becoming at the very, very, very top tier of al-Qa'ida and
23 most of them ended up being killed in drone strikes.

24 The video itself, again, was extremely important
25 because of the fact that people could hardly believe that such

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1 high-ranking al-Qa'ida members could simply walk out of Bagram
2 Air Base and rejoin their cadres in the field. It was a
3 tremendous victory for al-Qa'ida and it was something that
4 jihadists were immensely proud about.

5 Q Did the video, as released, contain multiple parts?

6 A Initially, no. Initially, it was a one-part video. But
7 as with many videos, when you put it on YouTube, YouTube has
8 certain uploading limits so they cut it into pieces.

9 This was divided into five pieces for uploading to
10 YouTube.

11 Q And the video, was it for a time at a time available on
12 YouTube?

13 A Yeah. Yeah. It was uploaded to a couple of different
14 file sharing services, and certainly, YouTube is and was one
15 of them.

16 Q What significance does the video Escape From Bagram have
17 to followers of the Islamic State?

18 A Well, I think it's-- again, this is something that I think
19 has a broader appeal to violent jihadists, generally. You
20 know, these folks are looking for any victories that they can
21 find where, you know, an underdog, a jihadi underdog managed
22 to beat the United States.

23 And those kind of videos, they have a tremendous
24 morale-boosting effect for those folks. And as a result, this
25 video had a tremendous morale boosting effect. The idea that

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1 despite the U.S. military campaign in Afghanistan, despite
2 having the latest in technology and weapons, again, the cream
3 of the crop just walks straight out of their cells and no one
4 was able to stop them.

5 It was like a miracle. It was like a prophesy. And
6 it was exactly the kind of miracle or prophesy that generates
7 new recruits and new supporters and engenders confidence in
8 these organizations.

9 Q I want to turn next to Sheik Abdullah Muhammad Arrashud.

10 Placing on the overhead what has already been
11 admitted is Exhibit No. 166, which was a search history from
12 the Lenovo laptop in 2012, as searched, as with all of these
13 in 2015 off the laptop Sergio provided, you had spoke about
14 Sheik Arrashud.

15 And before we turn specifically to Incite The
16 Believers, who is he?

17 A Sheik Abdullah Arrashud was one of the senior leaders of
18 al-Qa'ida in Saudi Arabia. And approximately in 2004, he went
19 underground in order to avoid arrest by Saudi authorities.

20 Approximately a year later in 2005, Sheik Arrashud
21 joined al-Qa'ida in Iraq, traveled to Iraq, and was killed in
22 a shootout with U.S. military forces in the city of Alkím in
23 far western Iraq next to the Syrian border.

24 Q The video Incite The Believers, what is it specifically
25 about?

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1 A The message -- the message the video Incite The Believers
2 is specifically about the concept of violent jihad.

3 During the video Sheik Arrashud explains that foolish
4 people try to convince others that jihad, as he puts it, has a
5 wide meaning. But according to Shaykh Arrashud, that's not
6 true. The only meaning of "jihad," according to Sheik
7 Arrashud, is, in his words, in the context of 9/11,
8 pulverizing buildings, destroying infrastructure, wiping out
9 the adversaries and he says that's the only form of valid
10 jihad.

11 Q Does this particular video have importance for followers
12 of the Islamic State?

13 A Yeah. It has importance for followers of the Islamic
14 State. This individual was one of the earliest members or
15 leaders of al-Qa'ida in Iraq. He was killed on the
16 battlefield on the border between Syria and Iraq fighting U.S.
17 forces.

18 The video itself, obviously, is a tremendously
19 impactful video. And then on top of it, this particular video
20 is very rare amongst the videos that were originally issued in
21 this time period in the sense that this video was subtitled in
22 English by a Westerner.

23 So people in the West then took this video subtitled
24 in English and it was one of the very few videos from this
25 individual and from al-Qa'ida in Saudi Arabia more broadly

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1 where it was English subtitles. So it was available for an
2 English-speaking audience. It's very rare for materials
3 produced by al-Qa'ida in Saudi Arabia.

4 Q If I can turn your attention to Exhibit 235 and will you
5 pull that up? I'm going to place on the overhead
6 already-admitted Exhibit No. 235 from Nadir Soofi's Dell
7 Inspiron laptop. As you look at that, what do you see?

8 A This -- these are screenshots taken from the English
9 translation or the English subtitled version of Incite The
10 Believers.

11 You can see the individual in white in the middle.
12 That's Sheik Abdullah Arrashud. And if you look carefully,
13 you can see that on the desk in front of him there's a rocket
14 launcher and behind him against the wall there is a rifle with
15 a bayonet affixed to it. Against the wall against the back,
16 there is a superimposed map of the Arabian Peninsula and the
17 greater Middle East.

18 Q Does this video have significance to violent Western
19 jihadists?

20 A Yes. Again, it's one of very -- at the time that this was
21 released with English subtitles, it was one of the only small
22 number of such videos with English subtitles from al-Qa'ida in
23 Saudi Arabia, really from al-Qa'ida generally. Al-Qa'ida
24 didn't really start releasing subtitled stuff until much
25 later. So this was rare at the time.

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1 And, again, the fact that this was an individual who
2 was actually killed in the battlefield who talked specifically
3 about how "jihad" only means violence, this video has appeared
4 on numerous hard drives that I had analyzed in the context of
5 my work with law enforcement and others.

6 Q Turning our attention next to Exhibit No. 179, also found
7 on the 2 gigabyte flash drive, I'm going to place on the
8 overhead page 1 -- it's already admitted.

9 Do you recognize this publication?

10 A Yes.

11 Q And what is it?

12 A This publication is known as Inspire Magazine. It is an
13 English language magazine and instructional manual produced by
14 al-Qa'ida in the Arabian Peninsula, otherwise known as
15 al-Qa'ida in Yemen, otherwise known as AQAP.

16 Q What was the first official English language magazine that
17 was produced by a contemporary jihadist organization?

18 A It was this magazine. It was Inspire Magazine. It was
19 this Inspire Magazine when it was first released by al-Qa'ida
20 in the Arabian Peninsula.

21 It was a landmark event. There had been nothing like
22 it previously and it had a major, major impact, particularly
23 on English-speaking jihadists living in Western countries.

24 Q I want to take us back in time to 2012.

25 So back in 2012, did the Islamic State as it is

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1 defined now, did it exist?

2 A There was an Islamic State, but at the time it wasn't
3 openly fighting with al-Qa'ida. It did not have a significant
4 presence in Syria. And it only controlled part of what it
5 controls now or a small part of Iraq.

6 Q So did the Islamic State's predecessor organization, that
7 obviously as we have discussed did exist back in 2012, did
8 they have any of their own publications that were of the
9 magnitude or quality of this particular publication?

10 A No. Until about 2014 the Islamic State didn't have enough
11 people who spoke English or enough desire to recruit English
12 speakers to put out this kind of material.

13 Also, it's important to understand that it would have
14 been hard to forecast the significance and the popularity of
15 this magazine. Once it was produced, once Inspire Magazine
16 came out, within about two or three years there were a couple
17 different clones of this magazine issued by other groups
18 because they recognized afterwards that it had been a
19 tremendous success.

20 Q So --

21 A But it did not -- there were no clones until years
22 afterwards.

23 Q We'll talk about ISIS's publication that initially was
24 released in 2012 in a little bit.

25 Focusing on this particular publication, you made

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1 note of the fact that at the time in 2012 ISIS and al-Qa'ida
2 were not violently in conflict.

3 A No. There was conflicts but they weren't public. The
4 conflicts were behind the scenes and they wouldn't have been
5 necessarily familiar to anyone except someone with a very
6 detailed understanding of these groups.

7 Anyone who is simply a follower or supporter would
8 not have had any concept of the lingering animus and dispute
9 and anger between al-Qa'ida and the Islamic State not at this
10 time.

11 Q So pulling this exhibit down just so we can see the
12 header, you've talked about the name being Inspire. What
13 edition was this publication?

14 A This was issue No. 8. It does say Fall of 2011. However,
15 it was actually not released until, I believe, 2012.

16 Q When it was released, how popular was the Inspire
17 Magazine, including the 8th Edition, among homegrown violent
18 jihadists?

19 A Inspire Magazine has been an exceptionally important and
20 influential magazine. Individuals here inside the United
21 States have used Inspire Magazine in order to build explosive
22 devices and carry out terrorist attacks without any other
23 known assistance provided to them by a terrorist group or by
24 anyone else.

25 It is a completely self-contained training manual,

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1 both ideological and practical, everything from learning the
2 ideas of violent jihad and Anwar al-Awlaki to how to build
3 remote detonators, how to build explosive devices.

4 Q I want us to talk about a couple components of this
5 particular magazine. In your review of this case, was the
6 feature article significant?

7 A Yes, it was.

8 Q Turning our attention to page 47 of Inspire Magazine's 8th
9 Edition, placing on the overhead page 46 and 47, can you
10 explain to us how this feature article was significant?

11 A Sure. This particular article -- again, it's Shaykh Anwar
12 al-Awlaki giving specific advice on what part it's to hit in
13 what he calls the Dar al-Harb population.

14 "Dar al-Harb" is a term in Arabic that means the
15 "house of war." And by the "house of war," he means nonMuslim
16 populations, i.e., people in the West.

17 So basically, this is a manual or a guidebook for who
18 to target, for what to target in Western countries that are
19 nonMuslim and that are opposed to al-Qa'ida.

20 Q Can you read for us any --

21 THE COURT: Excuse me, Ms. Brook. Before we go on
22 we're going to take our afternoon break.

23 Ladies and gentlemen, we will reconvene at three
24 o'clock. You are reminded of the admonition not to discuss
25 the case or form any conclusions about it until you have heard

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1 all the evidence and begun your deliberations.

2 Court is in recess until three o'clock.

3 (Recess taken at 2:45 p.m.; resumed at 3:01 p.m.)

4 THE COURT: Thank you, ladies and gentlemen. Please
5 sit down. The record will show the present of the jury,
6 counsel, and the defendant.

7 And, Ms. Brook, you may continue with your
8 examination of Mr. Kohlmann.

9 MS. BROOK: Thank you.

10 BY MS. BROOK:

11 Q We left off talking about the feature article and I
12 believe you had stated -- who was it written by?

13 A It was written by Anwar al-Awlaki.

14 Q In this feature article -- is it on 46, page 46 and 47?

15 A Yeah.

16 Q Who specifically did Anwar al-Awlaki in this article
17 endorse the killing of?

18 A He endorsed the killing of everyone, civilian and military
19 alike. I mean, he actually discusses particularly what he
20 terms "modes of operation" that would be allowed to target
21 these individuals, including the use of explosives in
22 populated areas, the use of firearms in operations like the
23 2008 terrorist attacks in Mumbai, India, in which he
24 specifically --

25 Q Let me stop you for a second so we can zoom in on it.

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1 You were speaking about how this particular feature
2 article talked about the use of firearms in a particular
3 setting. Can you describe it?

4 A Yes. Yeah. I mean, he says the use of firearms --

5 He's talking about modes of operation that would be
6 allowed according to religious rules. And he says what would
7 be allowed would be the use of firearms in operations such as
8 that of Mumbai which is targeted at the general population.
9 This is allowed and is similar to the bayat method of war
10 discussed above. The shooter can fire randomly at crowds but
11 should avoid the execution of women and children when the
12 target is clear.

13 Q And what is "bayat"?

14 A "Bayat" is, in this case, the allegiance method or the
15 acceptable method.

16 Q Did it go on to discuss the use of poisons or chemical and
17 biological weapons?

18 A Yes. He also endorses the use of poisons or chemical and
19 biological weapons against what he terms population centers.
20 In fact he says that these kind of attacks are strongly
21 recommended due to its great effects on the enemy and then
22 cites a bunch of evidence from various different classical
23 scholars about why this is so important.

24 And his conclusion is these statements of the
25 scholars show that it is allowed to use poison or other

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1 methods of mass killing against the disbelievers who are at
2 war with us.

3 Q And I want to speak specifically about the last column of
4 the article. Did it refer to -- to whom these types of
5 weapons or methods would be permitted to be used against?

6 A Yes. According to this article, explicitly, these methods
7 should be used against, quote:

8 The populations of the nations that are at war with
9 the Muslims and especially those who are at the lead such as
10 the United States, Britain, and France.

11 Q In this issue of Inspire was there a section which also,
12 additionally, directed attacking Americans?

13 A I believe, yes.

14 Q And I'm going to turn to page 19. Was that in the article
15 by al-Suri?

16 A Yes, of course, yes.

17 Q Can you read for us what No. 7 of this particular article
18 states?

19 A Yes. These various different bullet points are
20 quote/unquote the list of arenas arranged according to their
21 importance; and No. 7 the arena is listed, quote:

22 "In the heart of America herself, by targeting her
23 with effective strategic operations, as will be explained in
24 the following paragraphs, Allah willing: She, America, is the
25 snake's head, as Shaykh Usama rightfully named her. And she

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1 is the origin and scourge and the head of the alliance. When
2 defeated, this alliance will break up, and we will move to a
3 new historical era, Allah willing."

4 Q Does Inspire Magazine include a section in each edition
5 entitled "Open Source Jihad"?

6 A Yes, otherwise known as the OSJ Section, yes.

7 Q What is that?

8 A "Open Source Jihad" is meant to be a training manual or a
9 serialized training manual for English-speaking jihadists who
10 do not necessarily have access to elaborate chemicals or
11 elaborate weapons with the idea: How can you take basic
12 household chemicals, how can you take basic household
13 electronics and cooking wear, how can you take basic firearms
14 and how can you use these in order to carry out mass mayhem?

15 So Open Source Jihad covers everything from: How to
16 modify weapons in order to make them more lethal, how to build
17 explosives, as they put it, in the kitchen of your mom, how to
18 burn down forests, how to wipe out people that are gathered at
19 cafes.

20 Basically, it's a listing of various different
21 potential terrorist plots and methods of violence for
22 homegrown extremists with no prior expertise and no prior
23 training in these kind of activities.

24 Q I want to ask you additionally about page 41 of this
25 edition of Inspire.

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1 Was there another article by Anwar al-Awlaki on page
2 41?

3 A There is an article, yes.

4 Q And in that article does it too discuss attacking mixed
5 crowds of people?

6 A I believe it does. Let me just get to that section.

7 Yeah. I believe it does, yes. It talks about --
8 yeah, again, against general population, yes.

9 Q So starting the first column all the way on the bottom,
10 can you read that last paragraph for us?

11 A I'm sorry. The first column on what page?

12 Q On 41, bottom of the first column where it starts "but
13 they all agree that if women, the elderly, farmers, merchants,
14 or slaves participate..."

15 A Oh, sorry, yes, of course.

16 "but they all agree that if women, the elderly,
17 farmers, merchants or slaves participate in the war effort
18 against Muslims either by actual participation in fighting,
19 financial contribution or opinion, they become legitimate
20 targets."

21 "If combatants and non-combatants are mixed together
22 and integrated, it is allowed for the Muslims to attack them
23 even if women, children, the elderly, farmers, merchants, and
24 slaves get killed but this should only be done" -- it says --
25 "done with the intention of fighting the combatants."

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1 Q According to Anwar al-Awlaki, who are the "combatants"?

2 A The "combatants," technically, are anyone that lives in
3 the United States and pays taxes.

4 Q I want to move on to Exhibit 180, also already admitted,
5 the 9th issue of Inspire that was found on the 2 gigabyte
6 thumb drive.

7 So moving ahead to Exhibit 180, placing on the
8 overhead what has already been admitted, do you recognize the
9 front cover of this magazine?

10 A Inspire Issue 9, yes, I do.

11 Q And, again, it's Exhibit No. 180.

12 A Uh-huh.

13 Q Is this edition as well significant in your opinion as
14 something that followers of the Islamic State would be
15 interested in?

16 A Again, I mean, almost every single one of these issues
17 would be interesting to, I think, almost any violent jihadist.
18 But I think this particular issue would be interesting to
19 violent jihadists who are from Western countries, regardless
20 of what organizations they sponsor or support.

21 Q And the time period when this one was released, when was
22 it released?

23 A This was -- again, it says Winter 2012, but, in fact, it
24 was released in May of 2012.

25 Q Did this particular magazine pay tribute to anybody?

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1 A It did.

2 Q And who did it pay tribute to?

3 A This particular issue of Inspire paid tribute, number one,
4 to Shaykh Anwar al-Awlaki, and number two, to another American
5 national who was killed alongside Al-Awlaki in the same drone
6 strike, Samir Khan.

7 Q And Samir Khan, how was he received by violent jihadis in
8 his death?

9 A Samir Khan was received as a martyr and a hero. Samir
10 Khan was the individual alongside al-Awlaki who was
11 responsible for creating Inspire Magazine.

12 He was one of al-Qa'ida's most important
13 English-speaking propagandists. He was someone who had gained
14 notoriety long before he ever left the United States. He had
15 news broadcasts hunting him down to his house because of his
16 violent jihadi activity.

17 This was someone who -- he was very important for
18 these folks because he was a computer nerd. He was a nobody.
19 He had no training whatsoever. And yet just through the
20 contacts that he made online, he was able to, number one,
21 evade U.S. law enforcement; number two, he was able to get all
22 the way to Yemen; and then, number three, he became a
23 critically important player in AQAP's propaganda and media,
24 even though, again, he was a computer nerd.

25 He was someone with no prior experience or expertise

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1 in weapons or explosives or anything like that. But he was
2 very intent upon encouraging other Western jihadists to carry
3 out acts of violence inside the United States.

4 Q What articles or content in this particular episode --
5 episode -- this particular issue were of significance to you?

6 A Well, among other things, there are lengthy -- there is
7 lengthy tributes or articles to both Anwar al-Awlaki and Samir
8 Khan emphasizing the importance of Western jihadists,
9 emphasizing the importance of carrying out attacks in Western
10 countries, and recruiting English speakers and lionizing these
11 two individuals who are, again, taking the risk of waging war
12 against the United States, their own homeland, in the name of
13 violent jihad.

14 Q I'm placing on the overhead what is page 24 of this
15 particular issue, the Jihadi Experience.

16 A Aha, yes.

17 Q What does this article say about targeting Americans and
18 American targets?

19 A Sure. This is actually another -- this is another segment
20 from Abu Musab al-Suri on jihadi experiences. And during this
21 segment, he specifically lists out, quote, the most important
22 targets in America and in Western countries.

23 And according to the magazine, according to Abu
24 Musab, the most important targets in America and Western
25 countries include main political figures who lead the campaign

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1 against the Muslims such as the heads of state, ministers,
2 military, and security leaders; large strategic economic
3 targets such as the Stock Exchange, power and oil
4 installations, airports, harbors, railroad systems, bridges,
5 highway intersections, tunnels, metro systems, tourist
6 targets, and so on; military bases and barracks; and media
7 personalities and media centers that are leading the war
8 against the Muslims and justifying the attacks on them coming
9 from the Zionists and Zionist-friendly Crusader media
10 institutions.

11 Also included are computer centers and centralized
12 information centers, quote, places where Jews are gathered,
13 official offices of government institutions of those countries
14 that are waging war, both on the state level and on the level
15 of unions and political and military alliances, security
16 service buildings and CIA buildings.

17 And then finally, number nine is simply, quote,
18 striking civilians in general to deter them or for
19 retaliation, avoiding women and children when separated from
20 men in places especially designed for them, like schools and
21 the similar.

22 Q Moving along to Exhibit No. 181, do you have that before
23 you?

24 A Yes, I do.

25 Q And what do you recognize it as?

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1 A This is an article that was written by Shaykh Anwar
2 al-Awlaki. It was originally published in Inspire Magazine.
3 I believe Inspire Magazine issue No. 4 or 5.

4 Q Placing on the overhead what has already been admitted as
5 Exhibit No. 181.

6 The ruling on Dispossessing the Disbelievers Wealth
7 in Dar al-Harb found on the 2 gigabyte drive and turning our
8 attention just to the page entitled "Conclusion".

9 What is the significance of this particular article?

10 A The significance of this article is that Anwar al-Awlaki
11 is arguing that not only do jihadists have the right to
12 execute or murder those who violate the tenants of the faith,
13 but they also have the right to steal their wealth.

14 In other words, if you're going to fund jihad, if you
15 are in the process of trying to fund -- or of funding violent
16 jihad, you are more than allowed to engage in deceit, theft,
17 whatever else against the disbelievers. In other words, to
18 steal their wealth is a form of war booty so long as those
19 funds are not being used for personal means, they're being
20 used to wage jihad.

21 Q When was this particular article published?

22 A This was published in January of 2011.

23 Q And does it have significance for followers of the Islamic
24 State?

25 A Once again, I mean, it has significance for followers, I

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1 think, of violent jihadists, followers in general. This was
2 before the Islamic State of Iraq was even the Islamic State of
3 Iraq and the Levant. This was early on. And almost any
4 Western jihadists living in Western countries would have taken
5 strong meaning from this because this was a message directed
6 directly at them.

7 It doesn't say "followers of al-Qa'ida." It doesn't
8 say "followers of AQAP." It says "people who believe in
9 violent jihad." And that's what this message is aimed at and
10 that's who digested it.

11 Q I want to break down for a moment something you said. You
12 said that the article is about directing individuals to steal
13 or take war booty and to use those funds or those proceeds for
14 jihad.

15 Can you explain that concept a little bit more? What
16 in that context is "war booty"?

17 A Sure. It's in -- in Islam it's called "ghanimah." It's
18 war booty. The idea here is is that it's very difficult to
19 finance terrorist operations. And al-Qa'ida is always looking
20 for money. It's always short on cash.

21 So the idea here is is that if al-Qa'ida is always
22 short on cash and you have the ability because of -- you know,
23 where you live or who you work for -- to engage in theft and
24 use those funds to support these organizations, that is
25 critically important. That is an important role. That is --

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1 In the view of some of these people, it's as
2 important as fighting because they have far more people
3 willing to fight and not enough people willing to provide them
4 cash.

5 Q And the concept of needing to supply cash and provide
6 cash, is that also a real concept for the Islamic State and
7 something that they seek from individuals who support them?

8 A Yes. The Islamic State is a little bit better funded than
9 al-Qa'ida, at least more recently because of the fact that
10 they now have control of oil fields and banks.

11 But that's a recent advent. And to be honest with
12 you, the Islamic State has had to cut salaries in any event
13 because of military operations that have been targeting its
14 sources of funds.

15 So there is no doubt the Islamic State is seeking
16 donations, is seeking contributions, and up until very
17 recently, that was the primary life blood through which it
18 operated; donations from wealthy individuals, theft,
19 smuggling. That's how it made its money. Car theft, car
20 smuggling has been a long standing and major source of income
21 for previously al-Qa'ida in Iraq and later the Islamic State
22 of Iraq.

23 Q I want to place on the overhead next already-admitted
24 Exhibit No. 183, "Responses To The Ruling on Leaving For
25 Battle and the Precondition of the Takfir."

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1 Is that significant?

2 A Yes.

3 Q And can you explain the significance that this particular
4 article had as it relates to violent jihad.

5 A Sure. This is an English translation produced by a
6 now-defunct but former most important English language jihadi
7 forum on the Internet.

8 It was an English translation of an Arabic document
9 originally written by a very, very senior al-Qa'ida leader by
10 the name of Attiya Abdulrahman, sometimes also known as
11 Sheikh Attiya Allah al-Libi.

12 This particular treatise is important in the sense
13 that the original Arabic and obviously also in the English
14 translation, it appeals to those who support violent jihad and
15 it encourages them. And basically, it says: We need people
16 here on the front line. We need recruits. Don't complain
17 about there not being a front line. If you come here and
18 enough of you show up here, there will be a front line.

19 So the idea here is is that, you know, encouraging
20 people to leave for battle, to take part in the battle, to
21 ignore anyone who tells them that it's not the right time to
22 take part in jihad, or the conditions are not right for jihad.

23 Sheikh Attiya Allah is saying the only reason the
24 conditions are not right is because you are not listening to
25 the orders. You aren't listening to the call. If you listen

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1 to the call for jihad, everything would be hunky dory.

2 And he specifically talks about the need for
3 financing, the need for cash, the shortage of money, and how
4 important it is for individuals to raise money to support
5 these activities.

6 Q Taking off the overhead Exhibit 183 -- and I didn't
7 mention when I put it on -- but which was already testified to
8 about being found on the 2 gigabyte thumb drive -- placing on
9 the overhead Exhibit 351, already admitted, and Mr. Kohlmann,
10 I believe before you you have the paper version of 351 which
11 was the list of scholars.

12 If we can turn our attention to No. 6.

13 A Yes.

14 Q Who is that?

15 A Yes. No. 6 on this list is listed as Abu Musab
16 al-Zarqawi, which means Abu Musab from Zarqaw. The real name
17 of this individual was Ahmad al-Khalayleh. He was a Jordanian
18 national who had been loosely affiliated with al-Qa'ida during
19 the mid 1990s.

20 However, because of the personal dispute between
21 himself and his associates with al-Qa'ida's leadership, they
22 formed their own separate unit in Afghanistan. When the
23 United States invaded Iraq in 2003, Abu Musab al-Zarqawi who
24 was from neighboring Jordan, which is directly adjacent to
25 Iraq, immediately traveled to Iraq to establish an armed

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1 jihadi faction to fight against the United States, its allies,
2 and against the Shiite-dominated government in Baghdad. The
3 initial faction that Zarqawi created was named the Tawhid and
4 Jihad Movement.

5 However, in October of 2004, Zarqawi pledged
6 allegiance and swore allegiance to Osama bin Laden and the
7 organization was renamed al-Qa'ida in Iraq. This is the same
8 organization that later became the Islamic State of Iraq and
9 is now known as ISIL or ISIS.

10 Q What happened to Zarqawi?

11 A Zarqawi was responsible for creating and sustaining the
12 modern era of online beheadings and suicide bombings. Most of
13 the trend of online beheadings and suicide bombings was
14 spurred by Zarqawi between 2004 and 2006. Early in the summer
15 of 2006, Zarqawi was killed in a U.S. air strike in Iraq.

16 Q Is he still significant to present-day followers of the
17 Islamic State?

18 A Though Zarqawi was around before the Islamic State was
19 formally declared, he is lionized by ISIS and ISIL today. He
20 continues to be routinely quoted, cited, and featured in their
21 propaganda. He is considered one of their founders. He is
22 venerated above all. And his lectures and video excerpts
23 continue to proliferate amongst ISIS media. He is a very
24 common sight in ISIS media.

25 Q I want to move up the list from six to five.

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1 Who is No. 5?

2 A No. 5, the listing here is -- No. 5 says Amirul Mumineen,
3 Abu Bakr al-Baghdadi, Caliph.

4 This is a reference to Abu Bakr al-Baghdadi, the
5 leader of ISIS. The reason why these other titles are here is
6 because of the fact that in 2014, ISIS declared that it was an
7 empire, an Islamic empire, a khalif -- or khalifate, excuse
8 me.

9 And that the head of the khalifate is known as the
10 Khalif or Khalifa.

11 And so you see underneath Abu Bakr al-Baghdadi's name
12 it says Caliph, the khalif. Above it you see it says Amirul
13 Mumineen. That means Commander of the Faithful.

14 This is an honorary term that is bestowed, generally
15 speaking, upon the khalif being the person who is in charge,
16 the Commander of the Faithful, sort of like the Pope in
17 Catholicism. You will also see next to Amirul Mumineen
18 there's a dash and it says, "Friday Khutbah."

19 This appears to be a reference to a video recorded
20 khutbah which was released by ISIS -- "khutbah," by the way,
21 is a Friday sermon. And this sermon featured Abu Bakr
22 al-Baghdadi speaking at the Grand Mosque in Mosul, Iraq, and
23 celebrating the fact that ISIS was now an official khalifate
24 and he was the khalif.

25 Q I want to break down the concepts for a moment and I'm

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1 going to place on the overhead Exhibit 157. It's page 25
2 which is not a contested issue within 157.

3 And, Mr. Kohlmann, if you can pull up 157 where you
4 are and what we're looking at is a tweet on January 27th of
5 2015, with a picture of an individual and the re-tweet states:

6 May Allah protect our Caliph, Sheikh Abu Bakr
7 al-Baghdadi and then an http.

8 A Sorry. Do you know what page this is?

9 Q It should be 25.

10 A Okay. I was looking at page 5. It doesn't appear to be
11 25.

12 Q Try 26.

13 A 26. Okay. Yes. Okay. Yes. January 27, 2015. Yes.

14 Q And just so we're all on the same page, the individual
15 that's pictured in that photo, who is it?

16 A This is the leader of ISIS Sheikh Abu Bakr al-Baghdadi.
17 And, in fact, this is a screenshot from the Friday sermon
18 video that I was just describing.

19 Q You mentioned on that day in the summer of 2014, in July,
20 that Abu Bakr al-Baghdadi was announced as the khalif of the
21 Islamic State.

22 Is the Islamic State alone in recognizing that
23 presently today they believe that there is a khalif amongst
24 us?

25 A Basically, yeah. They are -- the Islamic State did a very

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1 controversial thing in declaring a khalifate.

2 Al-Qa'ida has bestowed the title of Amirul Mumineen a
3 leader of the Taliban, but it isn't really clear that they
4 recognize that there is an official emirate. The declaration
5 of a khalifate, it's a major step. And I don't even think
6 al-Qa'ida is ready for that yet.

7 However, at the point that ISIS made this
8 declaration, they held significant territory, they held major
9 cities, they had an Army, and they thought it was time.

10 Q So what does the "khalif" stand for? What is it
11 synonymous for?

12 A Sure. It's the emperor. Khalif is the emperor of the
13 empire. He's the person in charge of the empire.

14 Q And when the khalif was announced in the summer of 2014,
15 did it have or cause any reaction amongst the followers of the
16 Islamic State?

17 A Yes, it did. Those who were sympathetic to the Islamic
18 State were ecstatic. They were thrilled. This was the
19 culmination of, you know, years of promises by these
20 organizations about creating an Islamic State and ruling by
21 sharia law.

22 And despite all the efforts by al-Qa'ida, it was the
23 Islamic State that first had its only real territory, its own
24 real sharia-enforced society, and this was huge. I mean,
25 again, it seemed like revelation. It seemed like prophesy

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1 coming to pass.

2 And so for those who supported the Islamic State, it
3 became a certain sense that now is the time. They're
4 achieving what they said. It's not just a wish. It's not
5 just a hope and a dream anymore. It's really happening.

6 Q So for followers of the Islamic State, what do they
7 believe or who to them are kafirs?

8 A I'm sorry. I didn't hear the last word.

9 Q Yeah. Kafirs.

10 A Oh, okay. Yes. Okay. So the word "kafir" in Islam, it's
11 an infidels and the plural of that is "kuffar," the infidels
12 or the disbelievers.

13 According to ISIS, the ranks of the kuffar include a
14 lot of people, some of whom even describe themselves as
15 Muslim. Essentially, according to ISIS, pretty much anyone
16 who doesn't agree with them specifically is either a kafir or
17 at minimum is a mortad, an apostate, a hypocrite; but
18 basically, it's either you're with us or you're against us.

19 Q And what do violent jihadists believe should happen to
20 kafirs?

21 A Violent jihadists believe that disbelievers, that the
22 kuffar, are the enemy. They are the enemy of Islam and that
23 they need to be wiped out.

24 Q And specifically, followers of the Islamic State, what do
25 they believe?

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1 A The followers of the Islamic State believe that anyone
2 who's a disbeliever should be wiped out and that anyone who is
3 a disbeliever and stands in the way of the Islamic State
4 should be run over.

5 Q So by "wiped out" and "run over," do you mean killed?

6 A Yeah. I mean annihilated. Not just killed, because it's
7 important to understand that their philosophy is not just
8 killing someone. It's killing them and then wiping out any
9 trace that they ever existed, which explains why it is that
10 they go after the tombs and locations of other faiths, why
11 they are destroying pre-Islamic symbols in the areas that they
12 control.

13 They're trying to wipe out any sign that these people
14 even existed.

15 Q Do all violent jihadists follow all of the rules all of
16 the time?

17 A Definitely, not.

18 Q Can you explain that?

19 A Yes. Contrary to popular opinion, most of the people that
20 get recruited into jihadi organizations are, in fact, human
21 beings. They're not supermen.

22 And as human beings, they're susceptible to the same
23 weaknesses and the same traps that every other human being
24 falls into.

25 And while there are plenty of people that resolve and

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1 have strong feelings about quitting cigarettes and not
2 drinking alcohol and all these other things, the reality is
3 that human beings are frail and they have frailties. It's
4 called human frailties.

5 And this would hardly be the first instance that I've
6 seen where an individual who aspires to be a violent jihadist
7 or is a violent jihadist also smokes cigarettes, also drinks
8 alcohol. There's a good -- and, again, there's good evidence
9 to this effect.

10 If you look at ISIS media, you will see that on a
11 routine basis, ISIS releases media showing them destroying
12 vast quantities of cigarettes and alcohol and pornography that
13 is being brought/smuggled into ISIS-controlled territory.

14 Now obviously, if this stuff is being smuggled into
15 ISIS-controlled territory, then it's people inside of ISIS who
16 are consuming it. So while it's against the rules, that
17 doesn't necessarily prevent someone who's addicted to nicotine
18 from sneaking a cigarette. That tends to happen; and, again,
19 that's simply the realities of being a human being. Nobody is
20 a superman.

21 Q Why would somebody who is a supporter of the Islamic State
22 potentially live with nonMuslims?

23 MR. MAYNARD: Your Honor, objection.

24 THE WITNESS: There's a variety of reasons.

25 THE COURT: Excuse me. There's an objection.

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1 MR. MAYNARD: Objection. Foundation.

2 THE COURT: Sustained.

3 BY MS. BROOK:

4 Q Based upon the literature you have read, the forums that
5 you have been exposed to, based upon the interviews that you
6 have conducted with members of the Islamic State as well as
7 all of the publications that you've read and written, do you
8 have an understanding of why a follower of the Islamic State
9 might live with a non-follower of the Islamic State?

10 MR. MAYNARD: Same objection. Objection.

11 Foundation.

12 THE WITNESS: Yes.

13 THE COURT: Well, sustained, unless you can point out
14 something to me in the Notice or in the Report that addresses
15 this issue, I don't recall reading anything anywhere about
16 this issue.

17 MS. BROOK: Okay.

18 BY MS. BROOK:

19 Q Does the literature that you have read in regards to the
20 Islamic State speak to the issue of followers of the Islamic
21 State living with or co-mingling with nonfollowers or
22 nonMuslims?

23 MR. MAYNARD: Objection. Foundation and disclosure.
24 Lack of disclosure.

25 THE COURT: And point out to me some place in either

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1 the Notice or in the Report that would suggest that this was
2 going to be the subject of any testimony.

3 MS. BROOK: We can come back to it, Your Honor.

4 THE COURT: Okay.

5 BY MS. BROOK:

6 Q Moving along, I want to talk about the Flames of War which
7 is Exhibit No. 187 found on the defendant's Acer computer.

8 Have you had the opportunity to review and to listen
9 to all of that particular video?

10 A Yes.

11 Q And can you describe it for us?

12 A Yes. The Flames of War was initially issued in September
13 of 2014 or late August of 2014. The video itself, it includes
14 a number of critical sections.

15 First of all, it's one of ISIS's first completely
16 English-language videos. It was produced and released by
17 their English-language media outfit known as the Al-Hayat
18 Media Center.

19 Among the key components of this video is, first of
20 all, the video itself gives a detailed English-language,
21 English-narrated primer to the history of ISIS. How did ISIS
22 get here? And what is ISIS trying to do? And what makes ISIS
23 special?

24 So they cover the conquest of the city of Mosul in
25 Iraq. They talk about how the Iraqi and Syrian Armies are

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1 melting away as they seize territory, almost like revelation;
2 again, like revelation coming to pass.

3 And then later they go into specific episodes related
4 to this, including the capture of an air base not too far from
5 Aleppo or at least in Aleppo province in northern Syria.

6 Q What is the message, if any, in that video to homegrown
7 extremists who are supporters of the Islamic State?

8 A Yeah. I mean it's important to understand, this video is
9 entirely in English. It's -- the audience here is exclusively
10 English speakers.

11 And the message is for those who are sympathetic to
12 the ISIS agenda is that we've got something serious going on,
13 this is theological revelation, this is -- these are major
14 events coming to pass you can read about in religious liturgy.
15 This is the revolution. Now is the time. If you want to join
16 us, come here right now.

17 MS. BROOK: Your Honor, 187 in its entirety is
18 already in evidence. The Government has queued up just a
19 portion of it for the jury to hear; and with that, we would
20 move to play it.

21 THE COURT: Go right ahead.

22 MS. BROOK: And actually, the sub-part is marked as
23 471.

24 (Excerpt of Exhibit No. 187 played for the jury.)

25 BY MS. BROOK:

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1 Q I'm placing on the overhead, one page, page No. 7, 8 in
2 the book, from 157. Not contested.

3 Flames of War, the video, when was it released by the
4 Islamic State?

5 A It was, I believe, September of 2014.

6 Q 157, page No. 8 in your stack is on the overhead here.

7 If you can look at that already-admitted tweet
8 starting on the top November 21st of 2014. Do you see that?

9 A Are you talking about the Twitter message that was sent on
10 November 21st, 2014?

11 Q Correct.

12 A I believe so, yeah, sure. 7:01:52 a.m.

13 Q Correct. And is that too an --

14 A Yeah. I'm looking at it.

15 Q Is that too an advertisement of the same Flames of War
16 video that you have watched in its entirety that we have just
17 watched the beginning excerpts of?

18 A Yeah. ISIS does this. They use Twitter to advertise the
19 videos both in advance and when they release it and they
20 create advertisements like this.

21 This I recognized as the official advertisement for
22 this particular video. And you can see on the left side of
23 the image there's an insignia. There's a watermark. And it
24 says "Al-Hayat." That's the Al-Hayat Media Center, the
25 official English-language media outlet of ISIS.

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1 Q We watched here the first few minutes of the Flames of War
2 but the video in its entirety, who is the message directed
3 towards?

4 A Well, there's two messages, really. There's a message
5 being directed towards the allies of ISIS and there's a
6 message being directed to the enemies of ISIS.

7 The message to the enemies of ISIS is that:

8 You think you defeated us. You declared victory.
9 You declared victory way too soon. And that things are just
10 getting started right now. The battle is just beginning.

11 And frankly, the message is not all that different to
12 people that are supportive of ISIS. Again, the message is:

13 The battle is just beginning right now. Look at
14 this. It's prophecy coming to pass. And if you want to be
15 part of this, now is the time to join us. If you want to
16 defeat the United States, if you want to confront the
17 crusaders, if you want to confront the disbelievers and the
18 infidels, here is your opportunity. We have all the weapons.
19 We're going to win. We're winning. Nobody can stop us.

20 Q Does the video end with another message to America?

21 A It actually ends with -- basically, by repeating a
22 previous message issued by Abu Bakr al-Baghdadi, the leader of
23 ISIS, directed at the United States.

24 Q And what is that message?

25 A It's a threatening message.

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1 Q What is it?

2 A It's a threatening message. It's a message in which Abu
3 Bakr al-Baghdadi calls for violent attacks against the United
4 States and in the United States.

5 Q And in the video, in Flames of War, does ISIS kill any
6 civilians or any people?

7 A I don't know about civilians, but they certainly do murder
8 people on camera.

9 Q I want to move next to another video.

10 Are you aware of a video released by the Islamic
11 State called Healing The Hearts?

12 A Yes.

13 Q And I'm going to place on the overhead another page from
14 Exhibit 157, not contested.

15 Can you explain to us what the video Healing The
16 Hearts was about?

17 A Yes. ISIS was coming under a tremendous amount of
18 pressure, including public pressure, due to air strikes being
19 carried out by the United States and its allies targeting ISIS
20 inside of Syria and inside Iraq.

21 ISIS was relatively desperate for some kind of
22 propaganda victory that could show how this strategy was not
23 effective. In early January of 2015, a Jordanian pilot was
24 forced to crash his F16 inside ISIS territory and was taken
25 prisoner by ISIS.

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1 At some point between the time of his capture and the
2 time of the release of this video, the pilot was executed by
3 ISIS on camera and the video Healing The Hearts is exactly
4 that execution.

5 And the title Healing The Hearts is the idea that by
6 executing this pilot, we are soothing the hearts of the
7 believers who are so upset by the atrocities carried out by
8 the crusaders and their allies inside of Syria and Iraq by air
9 strikes.

10 Q How was the Jordanian pilot killed in the video?

11 A He was burned alive.

12 Q And the location of where he was burned, what was he in
13 when he was burned alive?

14 A He was inside a large metal cage.

15 Q Was there any significance to his location from what you
16 have learned of ISIS in the video itself?

17 A In his location -- as being a Jordanian?

18 Q No. His location in the cage.

19 A Well, I mean, again, it does -- it's reminiscent of
20 punishments that have been attributed to Guantanamo Bay and
21 elsewhere, particularly I think Abu Ghraib. But aside from
22 that, that's about as much as I take from it.

23 Q And by "those punishments," do you just mean individuals
24 inside of cages, obviously not being burned alive?

25 A Yes. Exactly. This is meant to echo the images from Abu

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1 Ghraib where you had, again, individuals wearing -- or at
2 Guantanamo -- individuals wearing yellow or orange jumpsuits
3 sitting inside cages. Obviously, none of those people were
4 burned alive, but that's the connotation that ISIS is trying
5 to push forward.

6 Q Once this video was released, was it released on the
7 Internet or somewhere else?

8 A It was released on the Internet.

9 Q And here in the United States, did any television network
10 pick up the airing of it or the video of it and rebroadcast
11 it?

12 A Yes. Although most television networks here in the U.S.
13 declined to show almost any of the video due to the extremely
14 graphic content, Fox News channel did air significant portions
15 of the video and released the entire unedited video at -- in
16 whole via their website.

17 Q In part were other components of the video also released
18 on their television network?

19 A Yeah. They also -- again, I couldn't say exactly how much
20 they showed on air, but they showed quite a bit of the video
21 on air as well.

22 Q And are you aware of whether or not Fox actually received
23 any backlash for releasing on television images and video of
24 this execution?

25 A Yes. Although Fox defended their decision by saying that

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1 they didn't want to hide this from the viewer and they thought
2 it had important news value, there were a lot of critics who
3 felt that, number one, Fox was redisseminating a propaganda
4 message unadulterated from ISIS; and number two, that this was
5 such graphic footage that it should not be shared, especially
6 considering the fact that it showed the murder of an innocent
7 person.

8 Q In February of 2015 when it was released, on the spectrum
9 of executions that the Islamic State has released, how
10 gruesome was this particular execution?

11 MR. MAYNARD: Objection, Your Honor. Foundation.

12 THE WITNESS: At the time --

13 THE COURT: Hold on. There's an objection.

14 MR. MAYNARD: Foundation. I don't know that you can
15 quantify "gruesomeness" in executions.

16 THE COURT: Sustained.

17 BY MS. BROOK:

18 Q I want to turn our attention next to already admitted
19 Exhibit No. 45. In looking at 45 before you, can you explain
20 to us what this magazine is?

21 A Yes. This is known as Dabiq Magazine. It is the official
22 English language magazine of ISIS and it is produced by
23 Al-Hayat Media Center, the official English-language media
24 outfit for ISIS.

25 Q What edition is this?

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1 A This is issue No. 5 which was released, I believe, in
2 November of 2014.

3 Q Are you still scrolling to get to it?

4 A No. I'm here. I'm here.

5 Q Okay. Is it issue 8?

6 A You're talking about Exhibit No. 45 is issue No. 5.

7 Q You know what. You're right. Let me go to 46.

8 A That's issue 8.

9 Q So already admitted, let's start at the top.

10 So Dabiq, Issue 5, when did Dabiq first release its,
11 you know, original first edition publication?

12 A I believe the first issue of Dabiq was issued in July of
13 2014.

14 Q And who publishes Dabiq?

15 A Dabiq is the publication of the Al-Hayat Media Center
16 which is the official English-language media unit for ISIS.

17 Q What is the significance of this particular magazine? And
18 let's start, first, with the title.

19 What is the significance of the title "Dabiq"?

20 A Sure. Dabiq is important to ISIS because it plays a
21 critical role in the raison d'etre of ISIS, the reason why
22 ISIS exists or the reason why it thinks it has a place.

23 Dabiq is a location. It's actually a physical
24 location, a town inside of Syria, in rural Aleppo Province.

25 And in Islam there are legends in the form of hadith that tell

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1 of how there will be an apocalyptic battle that will take
2 place in Dabiq that will pit the forces of Islam and the
3 Muslims against the forces of what are known as the Romans
4 which are often -- it's oftentimes just a euphemism for
5 Westerners.

6 And that there will be this huge apocalyptic battle
7 in Dabiq between the West and between Islam; and that battle
8 will be the determination of judgment day.

9 Q Will that -- does that apocalyptic battle have any bearing
10 upon the end of the world and when that will happen?

11 A Yeah. The idea is is that this is the final battle. This
12 is your opportunity to make yourself right with the law. This
13 is your opportunity to pick sides. This is the real deal.

14 And so that's the idea, yeah. And you can actually
15 see if you go onto the Table of Contents, you can see the
16 Table of Contents on the next page includes a quote from Abu
17 Musab al-Zarqawi, the founder of al-Qa'ida in Iraq, later the
18 Islamic State.

19 And he says:

20 The spark has been lit here in Iraq and its heat will
21 continue to intensify by Allah's permission until it burns the
22 crusader armies in Dabiq.

23 So by this you get the idea that ISIS is expecting
24 that there is going to be some kind of final battle with the
25 West surrounding the town of Dabiq and that will determine the

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1 course of judgment day and the apocalypse.

2 Q Does Dabiq, the publication of the Islamic State, have any
3 significance on followers of the Islamic State.

4 A Yes.

5 Q I'm going to place on the overhead an article inside
6 Dabiq, Issue No. 5, entitled, "If I were the U.S. President
7 today."

8 Does this article have significance for violent
9 Western jihadists?

10 A Yes, it does.

11 Q Can you explain that?

12 A Well, there's a number of things that are worth noting.

13 Sorry, I'm moving forward to the article. Sorry. Do
14 you have a page number? I'm sorry. I'm just cycling through
15 here.

16 Q My edition --

17 A No. I got it. I got it. It's okay. It's okay. It's
18 all good.

19 So the significance of this article is that, number
20 one, it's written by a guy named John Cantlie. For those
21 unfamiliar with John Cantlie, John Cantlie is the very, very
22 last Western hostage that is known to be currently held by
23 ISIS. He was amongst the group of other Western hostages who
24 have now all been executed on camera and are deceased.

25 Mr. Cantlie has managed to survive largely by

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1 agreeing by serve as an author and as a narrator for ISIS
2 propaganda. And you can see here, this is an article that he
3 purportedly wrote.

4 Among other things, this article specifically
5 addresses homegrown terrorist attacks that have been committed
6 in the name of ISIS; not necessarily with the knowledge of
7 ISIS, but in the name of ISIS, in the spirit of ISIS, echoing
8 what ISIS has achieved.

9 Q What attacks does it talk about?

10 A On page 2 of the article there's an inset in which Cantlie
11 writes:

12 "In Australia, Numan Haider stabbed two
13 counterterrorism police officers. In Canada, a soldier was
14 shot and killed in front of the war memorial in Ottawa by
15 32-year-old Michael Zehaf-Bibeau on October 22nd, who then
16 entered Canada's parliamentary building looking for other
17 targets before himself being shot and killed by police. In
18 the same week another two soldiers were run over in a
19 hit-and-run in Quebec by Martin Couture-Rouleau and in New
20 York, Zale Thompson attacked four policemen in Queens with a
21 hatchet, the moment of his savage attack caught on CCTV
22 cameras and beamed into people's homes all across America."

23 According to Cantlie, quote:

24 "All these attacks were the direct result of the
25 Shaykh's call to action, and they highlight what a deadly

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1 tinderbox is fizzing just beneath the surface of every Western
2 country, waiting to explode into violent action at any moment
3 given the right conditions. Suddenly the mujahidin of the
4 Islamic State weren't some esoteric concept fighting in a land
5 nobody knew or cared about, they were on the doorstep of
6 millions of people living in some of the biggest, most modern
7 cities in the Western world.

8 Q Moving back to the issue we were speaking about when we
9 first turned to Dabiq, which is Exhibit No. 46, Issue 8, do
10 you recognize this?

11 A Yes.

12 Q And this publication too, it's the same ISIS publication
13 that we've been speaking about?

14 A Yes. This is another issue of Dabiq.

15 Q I want to talk specifically, was there an article in this
16 particular publication of Dabiq related to Lars Vilks?

17 A Yeah, there was.

18 Q And who is he?

19 A Lars Vilks is a Swedish cartoonist/artist who was one of
20 the participants in various different efforts to establish the
21 principle of the freedom of speech by drawing cartoons that
22 are deemed blasphemous to the Prophet Muhammad.

23 As a result of the cartoons that he drew, Lars Vilks
24 has been, by name, targeted by both al-Qa'ida and ISIS.

25 Q Does this issue also talk about an attack in a Copenhagen

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1 cafe in February of 2015?

2 A Yes. It actually talks about the attack on the cafe, as
3 well as Lars Vilks, basically in the same paragraph.

4 Q What was the root cause of the attack in the cafe in
5 Copenhagen?

6 A Well, according to -- according to Dabiq, Issue No. 8, it
7 was the rejection of nationalism and the desire of the
8 attacker, quote, to target Danish Jews and Danish mockers of
9 the Messenger, sallallahu alayhi wa sallam, until he achieved
10 martyrdom in Denmark after pledging bay'ah, which is an oath
11 of allegiance to the Khilafah from Denmark.

12 The "Khilafah" is the Islamic Empire, i.e., ISIS.

13 Q And is this in line with ISIS ideology?

14 A Yeah. I mean they wouldn't have endorsed him in Dabiq if
15 it wasn't in line with their ideology. They not only -- not
16 only did they endorse him, after his name they write
17 rahimahullah.

18 "Rahimahullah" means "may God have mercy on him" and
19 that's something you write about people who are dead or who
20 you are very sympathetic towards.

21 Q Did this issue speak about the Jordanian pilot who had
22 been killed?

23 A I believe there was some reference, although I'm not sure
24 exactly where it is.

25 Q And based upon your memory of the reference, do you recall

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1 in what vein the Jordanian pilot and the execution was spoken
2 of?

3 A It was certainly supportive of it. This is Dabiq
4 Magazine. This is basically the same media that created the
5 video Healing The Hearts.

6 Q Inside Dabiq Magazine have you seen -- inside Issue 5 and
7 Issue 8 have you seen articles related to the recruitment and
8 action of children within the Islamic State?

9 A Yes.

10 Q And what have these two issues said about the recruitment
11 of children?

12 A Well, very specifically, there's a section in here talking
13 about the lion cubs of the Khilafah, the lion cubs of ISIS.

14 This particular magazine, not only does it lionize
15 the idea of bringing kids to the conflict and training them
16 for battle, but it even shows the kids engaged in executing
17 prisoners.

18 These children have not only been featured in Dabiq
19 doing this, they have also been -- the same kids that are
20 featured in this magazine have also been shown on video
21 torturing and murdering other captives as well.

22 Q I have placed on the overhead a page from Issue 8 of Dabiq
23 which shows a child with the caption, "The Lion Cubs of the
24 Khilafah" and it has an excerpted paragraph.

25 In the page before this particular page, can you

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1 describe for us what this issue of Dabiq shows in relation to
2 another child?

3 A It appears to show a child holding a revolver apparently
4 after executing an individual who is lying on the ground and
5 bleeding.

6 Q I want to go back for a moment.

7 When we started talking a while ago we spoke about
8 Miski. And I know you looked at a thumbnail picture, albeit
9 small, from Twitter feed 480.

10 The Government has an enlarged version of that
11 particular photo which is 497 which defense doesn't object to
12 us showing Mr. Kohlmann. I'm going to place 497 on the
13 overhead. Do you have it there?

14 A I don't, but I have opened up 480, which has this -- I
15 believe the same image in it.

16 Q Okay. And I'm placing 497 which is the enlarged version
17 on the overhead. And who has this person in this image
18 purported to be?

19 A I believe this is the picture of Mohamed Abdullahi Hassan,
20 otherwise known as Mujahir Miski.

21 Q Is this the image or the likeness of Miski --

22 THE COURT: Hold on. You have no objection to the
23 jury seeing this enlarged version, correct?

24 MR. MAYNARD: I do not.

25 THE COURT: Thank you.

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1 BY MS. BROOK:

2 Q Is this the image of Miski that is associated with his
3 handle on Twitter and other digital media on the Internet?

4 A Yes. That's exactly how I'm familiar with this image.

5 MS. BROOK: May I have a moment?

6 THE COURT: Yes.

7 BY MS. BROOK:

8 Q It appears that 390 now works.

9 390 was the Battle of Hearts and Minds from al-Awlaki
10 that we referenced earlier but had technical problems with.

11 So if we can just play that excerpt?

12 (Excerpt of Exhibit No. 390 played for the jury.)

13 MS. BROOK: Can you put that in context for us?

14 MR. MAYNARD: Objection to the form of the question
15 and relevance.

16 THE COURT: Sustained.

17 THE WITNESS: I'm sorry. Was there an objection?

18 THE COURT: Yes. And it was sustained, so Ms. Brook
19 is going to ask another question.

20 BY MS. BROOK:

21 Q After the attack on the Draw the Prophet Muhammad Contest
22 on May 3rd of 2015, did ISIS claim responsibility for that
23 attack?24 A Yes. They didn't say "we engineered it" but they said "it
25 was us."

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1 MS. BROOK: I don't have any other questions.

2 THE COURT: Mr. Maynard.

3 **CROSS EXAMINATION**

4 BY MR. MAYNARD:

5 Q Good afternoon, Mr. Kohlmann, or I guess probably --

6 A Good afternoon.

7 Q I guess probably good evening in New York.

8 I have got a few questions. If I understood your
9 testimony correctly, Inspire Magazine provides us -- or
10 provides one who looks at it with information on how to build
11 explosive devices and things of that nature; is that correct?

12 A That's part of what it offers, yeah. It offers -- there
13 are different sections like every magazine. There are
14 different sections but that is one consistent section, yes.

15 Q And I think you specifically said that you focused in on
16 the part called Open Source Jihad, correct?

17 A Correct.

18 Q And that's -- that section would, at times, would tell you
19 how to make explosive devices?

20 A Correct.

21 Q So if one were a follower of Inspire Magazine, they
22 wouldn't have to go across the street and ask their neighbor
23 how to make an explosive device using fireworks, for instance?

24 MS. BROOK: Objection. Speculation.

25 THE COURT: Sustained.

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1 BY MR. MAYNARD:

2 Q One could learn how to make an explosive device from
3 following certain portions of Inspire Magazine.

4 A Theoretically, yeah. Some people have been successful,
5 but theoretically.

6 Q Now, let me -- let me -- I'm going to have to jump around
7 a little bit because you have talked a lot today.

8 Imam al-Awlaki, let's talk about him for a second.

9 He was born in the United States?

10 A Correct. He was born in New Mexico.

11 Q Right. And his father was over here in school and
12 al-Awlaki was eventually educated here in the United States,
13 correct?

14 A Correct.

15 Q And he was an Iman at a mosque in California for some
16 period of time?

17 A That's correct.

18 Q And then he was an Iman at a mosque in Falls Church,
19 Virginia, for a period of time?

20 A Also correct, yes.

21 Q And while he was here in the United States, he put out
22 several different CDs, one was called The Life Of The Prophet?

23 A I don't know if that was issued when he was inside the
24 United States, but he did issue them in approximately 2004/05.
25 I don't know if he was still in the U.S. when he did issue

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1 them.

2 Q Do you recall that the publisher of those CDs was a
3 publishing company based in Colorado?

4 A That's correct, yes.

5 Q And those CDs -- and also he put out a CD called The Life
6 of Muhammad?

7 A That's correct, yes.

8 Q And those CDs were rather popular here in the United
9 States with the English-speaking Muslim population?

10 A It depends what you mean by "English-speaking Muslim
11 population."

12 They were popular among English-speaking Salafi
13 Muslims. They were not popular among Shiites. They were not
14 popular amongst any other sect. They were only popular
15 amongst Salafi Muslims, people that follow the Salafi Creed or
16 they follow similar schools within Sunni Islam but they were
17 popular among that subsection.

18 Q It is your belief then that individuals in the United
19 States who were Sunnies -- not Salafis but Sunnies -- didn't
20 listen to al-Awlaki's Life Of The Prophets and Life Of
21 Muhammad?

22 A Imam Anwar al-Awlaki was from the Salafi Creed, the
23 Salafi --

24 Q Can you answer my question, sir?

25 A Yeah. I'm getting there.

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1 Q Well, I know, but I'd like you --

2 A The Salafi school is within --

3 Q Can you answer my question?

4 A I have to explain.

5 Q No. You don't have to explain.

6 Can you answer my question?

7 A I am. I am.

8 THE COURT: Mr. Kohlmann, if --

9 THE WITNESS: This is the only way I can answer your
10 question.

11 THE COURT: Mr. Kohlmann, if further explanation is
12 required, Ms. Brook can ask you about it, so I'm going to ask
13 Mr. Maynard to restate his question.

14 BY MR. MAYNARD:

15 Q Isn't it true that in the United States, Muslims who are
16 not Salafi, did not -- were not Salafis but were Sunnis --
17 listened to The Life Of The Prophet and The Life Of Muhammad
18 by al-Awlaki?

19 A Did anyone who is a non-Salafi listen to it?

20 It's possible. But the people -- the population that
21 I'm familiar with that found this lecture to be popular and
22 that trafficked in it heavily were Sunni Salafi Muslims.

23 There are other schools within Sunni Islam where
24 people were not as sympathetic to these ideas and were not as
25 interested. People that were following Hamza Yusuf were not

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1 necessarily big fans of Anwar al-Awlaki.

2 So, again, it depends on what school and it depends
3 on who you are talking about.

4 Q Is it your testimony that The Lives Of The Prophet by
5 al-Awlaki is a radical CD?

6 A I don't think that The Lives Of The Prophet in itself is
7 radical. However, anyone that was listening to Anwar
8 al-Awlaki lectures after 2011 would have a lot of difficulty
9 explaining why they found Anwar al-Awlaki to be particularly
10 insightful, especially after he was very publicly killed in a
11 U.S. drone strike.

12 Q No. It's --

13 A It's also to be said that while --

14 Q Excuse me. Excuse me. Excuse me.

15 A I'm --

16 Q Excuse me.

17 THE COURT: Mr. Kohlmann, it's really important that
18 you just answer Mr. Maynard's question as succinctly as you
19 can.

20 And if you can't answer the question that way, then
21 tell him that. And if he wants more explanation, he'll ask
22 you.

23 This is cross-examination and it's much more
24 restrictive and he has the right to ask you certain questions.
25 And if you can answer it, "yes" or "no," answer it that way.

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1 If you can't, tell him that.

2 THE WITNESS: Okay, Your Honor.

3 THE COURT: So restate your question.

4 MR. MAYNARD: I'll try.

5 BY MR. MAYNARD:

6 Q Anwar al-Awlaki was killed in a drone strike in 2011,
7 correct?

8 A Correct.

9 Q In Yemen, correct?

10 A I'm sorry. I didn't hear the second thing you said.

11 Q Where was he?

12 A Oh. He was killed in Yemen.

13 Q He was the first American who was actually killed by a
14 drone strike, correct?

15 A I believe so, yes.

16 Q And after he was killed, the publishing company that
17 published his CDs, The Life Of The Prophet and The Life Of
18 Muhammad stopped publishing them at that point, correct?

19 A I'm not familiar with -- there were a couple of different
20 publishing companies issuing that and I don't know which one
21 you're talking about.

22 Q Okay. I'll get to it through another witness then.

23 Let me just talk to you a little bit about your
24 background. You told us about your educational background.

25 You have one degree, a degree from Georgetown

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1 University, correct?

2 A You say I have one degree? That's correct. I have a
3 degree in --

4 Q I'll ask you --

5 A -- in international politics with a focus --

6 Q Just answer my question.

7 You have a degree from Georgetown University -- an
8 undergraduate degree from Georgetown University, correct?

9 A That's correct.

10 Q Okay.

11 A Correct.

12 Q And you majored in foreign affairs, correct?

13 A I majored in international politics, but close enough.

14 Q And you minored in Islamic Studies?

15 A No. I have a certificate in Islam and Muslim-Christian
16 understanding. It's different than a minor.

17 Q Your certificate from Georgetown is different than a
18 minor; is that your testimony?

19 A Correct. It's not the -- yes. It is not the same thing
20 as a minor. I have testified about this previously at great
21 length. It's not the same thing as a minor. It's in
22 Georgetown University's Handbook.

23 Q And you then have a law degree from the University of
24 Pennsylvania; is that correct?

25 A Correct. Correct.

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1 Q And you called it a "graduate law degree." It is just a
2 law degree like everybody else gets when they graduate from
3 law school, correct?

4 A Yeah. That's just a term or phrase, that's correct.

5 Q Just a term you used. "Graduate law degree."

6 It's just a law degree; isn't that right?

7 A Well, yeah.

8 THE COURT: Well, I don't know. Speaking to lawyers
9 here, "just a law degree" doesn't seem to be --

10 MR. MAYNARD: Well, there are masters, there's LLMs.
11 He called it a graduate --

12 THE COURT: You're asking if he has a juris doctor?

13 MR. MAYNARD: Do you have a -- yes. The same one
14 that you and I have.

15 BY MR. MAYNARD:

16 Q You have a law degree, correct?

17 A That's correct, yeah.

18 Q Have you ever passed a bar exam?

19 A No. I have not.

20 Q So you're not licensed to practice law anywhere?

21 A I'm not a lawyer, that's correct.

22 Q Have you ever taught at a university?

23 A No. I'm not an academic.

24 Q You don't have a masters degree?

25 A No. I have my --

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1 Q You don't have a juris -- excuse me.

2 A I have a --

3 Q Excuse me.

4 You don't have a Ph.D.?

5 A Correct.

6 Q Okay. Now, in preparing for this testimony today, you
7 indicated earlier that the Government -- that you signed a
8 contract with the Government; is that correct?

9 A Yes. I believe it's called an ODB 47 Form.

10 Q Was it a document that you actually signed that told you
11 what you were going to do and how much you would be paid?

12 A It lays out how much money is budgeted. I don't know if
13 it explicitly states -- there may be a separate letter where
14 I'm engaged that asks me general things about what I'm
15 retained for.

16 Q So there is a separate letter that was given to you that
17 told you what you were supposed to be doing in this case?

18 A I don't think so. I think in this case my instructions
19 were given to me verbally.

20 Q Okay. And who gave you your instructions?

21 A By the U.S. Attorney's Office.

22 Q Who at the U.S. Attorney's Office?

23 A In this case Assistant U.S. Attorney Kristen Brook.

24 Q And do you recall when she spoke to you, was it in person
25 or on the phone?

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1 A We have actually never met in person, so it would be on
2 the phone.

3 Q Okay. And do you recall when that was?

4 A It was sometime late fall; I want to say October or
5 November.

6 Q And do you have notes of that conversation that tells you
7 what you were supposed to be doing?

8 A I did write down some things, but those notes don't exist
9 anymore, unfortunately. I wrote it down and I expanded it in
10 my report.

11 Q And having testified for the Government on over 30
12 occasions, you got rid of your notes this time when you were
13 asked when you had a telephone conversation telling you what
14 you were supposed to do?

15 A I have never been asked to retain those notes.

16 Q Okay. And how many hours have you now worked on this
17 engagement?

18 A I'm actually not sure. I would have to check. I'm not
19 sure. I don't have an estimate, unfortunately, but I can tell
20 you that currently, my total hours, it's far below what's been
21 budgeted.

22 Q If you don't know, you don't know.

23 A Okay. No problem.

24 Q Okay. Now, did the Government ever send you any of the
25 devices or the information downloaded on a hard drive for you

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1 to review?

2 A They sent it to me, yes.

3 Q What did they send to you?

4 A I don't actually know because I never actually opened it.

5 Q Okay. They sent it to you, but you didn't use what they
6 sent you in preparing your report for today?

7 A I was sent a digital device, but then I was asked not to
8 review that device.

9 Q Okay. Did you have an understanding of what was on the
10 device? What kind of information was sent to you?

11 A I believe it was preserved digital information, but again,
12 I don't have that information anymore because I was asked to
13 destroy it upon receipt. And I -- so I believe it was digital
14 information but I didn't review it and I don't have copies of
15 it anymore.

16 Q Who asked you to destroy the information?

17 A I was -- the U.S. Attorney's Office.

18 Q And do you have an understanding of why they asked you to
19 destroy what they sent you?

20 A I have no idea.

21 Q Okay. So you've testified at length today about the
22 history --

23 THE COURT: Okay. If you're going to change
24 subjects, we're going to wait till tomorrow morning --

25 MR. MAYNARD: Okay.

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1 THE COURT: -- to continue on.

2 Ladies and gentlemen, we will recess until nine
3 o'clock tomorrow morning. You are reminded of the admonition
4 not to discuss the case among yourselves or with anyone else.

5 Please remember not to do any independent research
6 about the case on your own; no Google searches, no Internet
7 searches of any kind, no -- don't try to find things on
8 Twitter that might be related to the case or any other social
9 media.

10 Also, ladies and gentlemen, please do not form any
11 conclusions about the case until you have heard all the
12 evidence and begun your deliberations.

13 We will reconvene at nine o'clock tomorrow morning.

14 Court is in recess.

15 Oh. We need to talk?

16 MR. MAYNARD: Real briefly. Well, this can be in
17 front of the jury. Is it Thursday we're off in the afternoon?

18 THE COURT: Just the opposite. We are off --

19 MR. MAYNARD: Thursday we're off in the morning?

20 THE COURT: We're off in the morning. You better be
21 here in the afternoon, Mr. Maynard, because all of us will be
22 here. But if you come in the morning, we won't be here. It's
23 Thursday morning we have off. Thursday afternoon we will be
24 in session.

25 Court is in recess.

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1 MR. KOEHLER: Can we visit for a moment, Your Honor?

2 THE COURT: Pardon?

3 MR. KOEHLER: Can we visit for a moment after the
4 jury leaves?

5 THE COURT: Yes. Okay. I'll excuse the jury.

6 (End of excerpt of proceedings.)

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1
2 C E R T I F I C A T E
34 I, ELIZABETH A. LEMKE, do hereby certify that I am
5 duly appointed and qualified to act as Official Court Reporter
6 for the United States District Court for the District of
7 Arizona.8 I FURTHER CERTIFY that the foregoing pages constitute
9 a full, true, and accurate transcript of all of that portion
10 of the proceedings contained herein, had in the above-entitled
11 cause on the date specified therein, and that said transcript
12 was prepared under my direction and control.13 DATED at Phoenix, Arizona, this 27th day of June,
14 2016.15
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18
19
20 s/Elizabeth A. Lemke
21 ELIZABETH A. LEMKE, RDR, CRR, CPE
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